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            IN THE UNITED STATES DISTRICT COURT
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            FOR THE NORTHERN DISTRICT OF OHIO
3
                      EASTERN DIVISION
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     IN RE: NATIONAL
                                  : MDL NO. 2804
6
     PRESCRIPTION OPIATE
     LITIGATION
7
8
     THIS DOCUMENT RELATES TO : CASE NO.
     ALL CASES
                                  : 1:17-MD-2804
9
                                    Hon. Dan A.
10
                                  : Polster
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                      January 30, 2019
13
         HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
14
                   CONFIDENTIALITY REVIEW
15
                    Videotaped deposition of JANET
16
    GETZEY HART taken pursuant to notice, was held at
    the law offices of Morgan, Lewis & Bockius LLP,
17
    1701 Market Street, Philadelphia, Pennsylvania,
18
    beginning at 9:34 a.m., on the above date, before
    Ann Marie Mitchell, a Federally Approved
    Certified Realtime Reporter, Registered Diplomate
19
    Reporter, Registered Merit Reporter and Notary
    Public.
20
21
22
                 GOLKOW LITIGATION SERVICES
            877.370.3377 ph | 917.591.5672 fax
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                      deps@golkow.com
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1 2 3	INDEX	2	Rite Email chain, top one 201 Aid-Hart-11 dated 2002-05-14, Bates stamped
4 5	Testimony of: JANET GETZEY HART	3	stamped Rite Aid_OMDL_0046770 through Rite_Aid_OMDL_0046789
6 7	By Mr. Powers 10	4	Rite Email chain, top one 209 Aid-Hart-12 dated 2012-07-11, Bates
9	EXHIBITS	5	Aid-Hart-12 dated 2012-07-11, Bates stamped Rite Aid OMDL 0013345
10		7	and = = =
12	NO. DESCRIPTION PAGE	8	Rite Aid OMDL 0013346 Rite Email dated 2012-05-18, 213 Aid-Hart-13 Bates stamped Rite Aid OMDL 0046855
13	Rite Distribution/Customer 99 Aid-Hart-1 Support Center, DEA	10	through - 0040835 Rite Aid OMDL 0046875
14	Regulatory Guidelines, Policy, Bates stamped Rite Aid OMDL 0046157	11	through Rite Aid OMDL 0046875 Rite Email chain, top one 226 Aid-Hart-14 dated 2012-12-18, Bates
15	through Rite Aid OMDL 0046226	13	stamped Rite_Aid_OMDL_0038054 and
16	Rite Rite Aid Distribution 120	14	Rite_Aid_OMDL_0038055
17	Aid-Hart-2 Center DEA Regulatory Guidelines,	15	Rite Email dated 2013-09-04, 238 Aid-Hart-15 Bates stamped Rite Aid_OMDL_0046648
18	Rite_Aid_OMDL_0014804 through	16	through
19 20	Rite Aid OMDL 0014874 Rite Controlled Drug Above 124	18	Rite Email dated 2013-12-24, 249
21	Aid-Hart-3 Average Order Monitoring Program, Bates stamped Rite_Aid_OMDL_0015079	19	Aid-Hart-16 Bates stamped Rite Aid OMDL 0016186 and Rite Aid OMDL 0016187
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23	Rite_Aid_OMDL_0015081	22 23 24	
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2	Aid-Hart-4 System Store Order History, Bates stamped Rite_Aid_OMDL_0015302	3	DEPOSITION SUPPORT INDEX
3	through	4	Direction to Witness Not to Answer
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8	Purchases Report, Bates stamped	8 9	
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11	Aid-Hart-7 dated 2010-11-16. Bates	10	Page Line
12	stamped Rite_Aid_OMDL_0050632	11 12	
14	Rite Email chain, top one 185	13 14	Stimulations
15 16	stamped Rite Aid OMDL 0050633	15	Stipulations Page Line
17	stamped Rite Aid OMDL 0050633 Rite Email chain top one 194 Aid-Hart-9 dated Email dated 2010-04-11, Bates	16 17	
18	Rite_Aid_OMDL_0050628	18 19	Question Marked
19 20	Rite Aid OMDL 0050630 Rite Email dated 2011-06-03, 199	20	Page Line
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1	THE VIDEOGRAPHER: We're now on	1	deposed, 20 years ago, what was that in
2	the record. My name is David Lane,	2	connection with?
3	videographer for Golkow Litigation	3	A. It was related to an alleged
4	Services. Today's date is January 30,	4	price fixing for third parties in Baltimore,
5	2019. The time is 9:34 a.m.	5	Maryland.
6	This deposition is taking place	6	Q. And were you working at Rite Aid
7	in Philadelphia, Pennsylvania in the	7	at that point?
8	matter of National Opiate Litigation,	8	A. I was.
9	MDL.	9	Q. And were you a fact witness
10	Our deponent today is Janet	10	during that deposition?
11	Getzey Hart. Counsel will be noted on	11	A. I was.
12	the stenographic record.	12	Q. What was the subject of your
13	Our court reporter is Ann Marie	13	testimony for that deposition?
14	Mitchell, who will now swear in the	14	A. That there was no collusion as
15	witness.	15	iai as not taking a time party plan.
16		16	Q. You also mentioned that you were
17	JANET GETZEY HART, after having	17	deposed ten jeurs ago.
18	been duly sworn, was examined and	18	What was that in connection with?
19	testified as follows:	19	A. That was in connection with a
20		20	doctor.
21	EXAMINATION	21	Q. Do you remember the doctor's
22		22	name?
23	BY MR. POWERS:	23	A. I do not.
24	Q. Good morning.	24	Q. When you say in connection with a
	Page 11		D 12
	rage 11		Page 13
1		1	Page 13 doctor, what do you mean?
1 2		1 2	doctor, what do you mean?
	A. Good morning.	1	doctor, what do you mean? A. I believe there was an action
2	A. Good morning.Q. My name is Will Powers and I	3	doctor, what do you mean? A. I believe there was an action
2 3 4	A. Good morning. Q. My name is Will Powers and I represent the plaintiffs in this litigation. Can you please state your full	3	doctor, what do you mean? A. I believe there was an action against a doctor and I was deposed in that action.
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2 3 4 5 6 7	A. Good morning. Q. My name is Will Powers and I represent the plaintiffs in this litigation. Can you please state your full name and spell it for the record? A. Sure. Janet Getzey Hart.	2 3 4 5	doctor, what do you mean? A. I believe there was an action against a doctor and I was deposed in that action. Q. Why were you deposed?
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2 3 4 5 6 7 8	A. Good morning. Q. My name is Will Powers and I represent the plaintiffs in this litigation. Can you please state your full name and spell it for the record? A. Sure. Janet Getzey Hart. J-A-N-E-T, Getzey, G-E-T-Z-E-Y, last name Hart, H-A-R-T.	2 3 4 5 6 7 8	doctor, what do you mean? A. I believe there was an action against a doctor and I was deposed in that action. Q. Why were you deposed? A. Because I worked for Rite Aid and they had dispensed prescriptions for the doctor. MS. McENROE: And, Janet, just
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Good morning. Q. My name is Will Powers and I represent the plaintiffs in this litigation. Can you please state your full name and spell it for the record? A. Sure. Janet Getzey Hart. J-A-N-E-T, Getzey, G-E-T-Z-E-Y, last name Hart, H-A-R-T. Q. And we are here for your deposition today. Do you understand that? A. I do. Q. Have you ever been deposed before? A. I have. Q. When was that? A. 20 years ago. Q. Was that the only time you've been deposed? A. I've been deposed twice. Q. What was the other time you were deposed?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I believe there was an action against a doctor and I was deposed in that action. Q. Why were you deposed? A. Because I worked for Rite Aid and they had dispensed prescriptions for the doctor. MS. McENROE: And, Janet, just let him finish his questions before you answer. THE WITNESS: Oh, okay. MS. McENROE: Take your time. THE WITNESS: Sorry. BY MR. POWERS: Q. Do you know where that doctor was operating? A. The deposition was in Harrisburg. That's all I remember. Q. You don't recall where the doctor was actually writing the prescriptions from? A. I do not. Q. Do you know which Rite Aid stores
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Good morning. Q. My name is Will Powers and I represent the plaintiffs in this litigation. Can you please state your full name and spell it for the record? A. Sure. Janet Getzey Hart. J-A-N-E-T, Getzey, G-E-T-Z-E-Y, last name Hart, H-A-R-T. Q. And we are here for your deposition today. Do you understand that? A. I do. Q. Have you ever been deposed before? A. I have. Q. When was that? A. 20 years ago. Q. Was that the only time you've been deposed? A. I've been deposed twice. Q. What was the other time you were deposed?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I believe there was an action against a doctor and I was deposed in that action. Q. Why were you deposed? A. Because I worked for Rite Aid and they had dispensed prescriptions for the doctor. MS. McENROE: And, Janet, just let him finish his questions before you answer. THE WITNESS: Oh, okay. MS. McENROE: Take your time. THE WITNESS: Sorry. BY MR. POWERS: Q. Do you know where that doctor was operating? A. The deposition was in Harrisburg. That's all I remember. Q. You don't recall where the doctor was actually writing the prescriptions from? A. I do not. Q. Do you know which Rite Aid stores

		_	
	Page 14		Page 16
1	Q. And your counsel just informed		would be in a courtroom?
2	year are care error raise really in I gust warm to	2	11. 1 40.
3	go over a couple others.	3	Q. So seedase you're ander outil, if
4	Is that all right?	4	year need pressure meeting meeting
5	A. Certainly.	5	, y
6	Q. Because the court reporter is	6	penalties.
7	here writing down everything that we're saying,	7	Do you understand that?
8	it's important that only one person is speaking	8	MS. McENROE: Objection to form.
9	at a time. So as you've been going back and	9	THE WITNESS: I do.
10	forth here, you obviously can anticipate some of	10	BY MR. POWERS:
11	my questions, but I just ask you to allow me to	11	Q. And we can take breaks when you
12	finish my question fully before you start your	12	need them, but you have to answer the question if
13	answer.	13	there is one pending.
14	Is that okay?	14	Is that okay?
15	A. Perfect.	15	A. That's fine.
16	Q. And then likewise, I'll let you	16	Q. And as your counsel just did a
17	finish your answer before I ask my questions.	17	
18	Does that sound okay?	18	
19	A. Perfect.	19	
20	Q. And the other thing, too, is I	20	•
21	need verbal answers. So no nods of the heads,	21	
22	uh-huhs, uh-uhs, things like that.	22	•
23	Does that make sense?	23	
24	A. Yes.	24	deposition here today?
			1
-		_	
	Page 15		Page 17
1	Q. And if for any reason you do not	1	A. I did.
2	Q. And if for any reason you do not understand a question and require some	2	A. I did. Q. How did you do that?
3	Q. And if for any reason you do not understand a question and require some clarification or explanation of the words I'm		A. I did. Q. How did you do that? A. I met with outside counsel to go
2 3 4	Q. And if for any reason you do not understand a question and require some clarification or explanation of the words I'm using, you must tell me and we'll get that matter	3 4	A. I did. Q. How did you do that? A. I met with outside counsel to go over some documents and to discuss Rite Aid's
2 3 4 5	Q. And if for any reason you do not understand a question and require some clarification or explanation of the words I'm using, you must tell me and we'll get that matter resolved before you answer the question.	2 3 4 5	A. I did. Q. How did you do that? A. I met with outside counsel to go over some documents and to discuss Rite Aid's policies, procedures, things along those lines.
2 3 4 5	Q. And if for any reason you do not understand a question and require some clarification or explanation of the words I'm using, you must tell me and we'll get that matter resolved before you answer the question. Is that okay?	3 4	A. I did. Q. How did you do that? A. I met with outside counsel to go over some documents and to discuss Rite Aid's policies, procedures, things along those lines. Q. And when you say outside counsel,
2 3 4 5	Q. And if for any reason you do not understand a question and require some clarification or explanation of the words I'm using, you must tell me and we'll get that matter resolved before you answer the question. Is that okay? A. Yes.	2 3 4 5	A. I did. Q. How did you do that? A. I met with outside counsel to go over some documents and to discuss Rite Aid's policies, procedures, things along those lines. Q. And when you say outside counsel, you're referring to Morgan Lewis counsel?
2 3 4 5	Q. And if for any reason you do not understand a question and require some clarification or explanation of the words I'm using, you must tell me and we'll get that matter resolved before you answer the question. Is that okay? A. Yes. Q. So then if you answer any of my	2 3 4 5 6	A. I did. Q. How did you do that? A. I met with outside counsel to go over some documents and to discuss Rite Aid's policies, procedures, things along those lines. Q. And when you say outside counsel, you're referring to Morgan Lewis counsel? A. I am.
2 3 4 5 6 7	Q. And if for any reason you do not understand a question and require some clarification or explanation of the words I'm using, you must tell me and we'll get that matter resolved before you answer the question. Is that okay? A. Yes. Q. So then if you answer any of my questions, I will assume that you understand it.	2 3 4 5 6 7	A. I did. Q. How did you do that? A. I met with outside counsel to go over some documents and to discuss Rite Aid's policies, procedures, things along those lines. Q. And when you say outside counsel, you're referring to Morgan Lewis counsel? A. I am. Q. When did you meet with Morgan
2 3 4 5 6 7 8	Q. And if for any reason you do not understand a question and require some clarification or explanation of the words I'm using, you must tell me and we'll get that matter resolved before you answer the question. Is that okay? A. Yes. Q. So then if you answer any of my questions, I will assume that you understand it. Is that okay?	2 3 4 5 6 7 8	A. I did. Q. How did you do that? A. I met with outside counsel to go over some documents and to discuss Rite Aid's policies, procedures, things along those lines. Q. And when you say outside counsel, you're referring to Morgan Lewis counsel? A. I am. Q. When did you meet with Morgan Lewis counsel?
2 3 4 5 6 7 8	Q. And if for any reason you do not understand a question and require some clarification or explanation of the words I'm using, you must tell me and we'll get that matter resolved before you answer the question. Is that okay? A. Yes. Q. So then if you answer any of my questions, I will assume that you understand it. Is that okay? A. Yes.	2 3 4 5 6 7 8	A. I did. Q. How did you do that? A. I met with outside counsel to go over some documents and to discuss Rite Aid's policies, procedures, things along those lines. Q. And when you say outside counsel, you're referring to Morgan Lewis counsel? A. I am. Q. When did you meet with Morgan Lewis counsel? A. I have met with them various
2 3 4 5 6 7 8 9	Q. And if for any reason you do not understand a question and require some clarification or explanation of the words I'm using, you must tell me and we'll get that matter resolved before you answer the question. Is that okay? A. Yes. Q. So then if you answer any of my questions, I will assume that you understand it. Is that okay? A. Yes. Q. Are you currently suffering from	2 3 4 5 6 7 8 9	A. I did. Q. How did you do that? A. I met with outside counsel to go over some documents and to discuss Rite Aid's policies, procedures, things along those lines. Q. And when you say outside counsel, you're referring to Morgan Lewis counsel? A. I am. Q. When did you meet with Morgan Lewis counsel? A. I have met with them various times over the past several months.
2 3 4 5 6 7 8 9 10	Q. And if for any reason you do not understand a question and require some clarification or explanation of the words I'm using, you must tell me and we'll get that matter resolved before you answer the question. Is that okay? A. Yes. Q. So then if you answer any of my questions, I will assume that you understand it. Is that okay? A. Yes. Q. Are you currently suffering from any medical disease or illness that in any way	2 3 4 5 6 7 8 9 10	A. I did. Q. How did you do that? A. I met with outside counsel to go over some documents and to discuss Rite Aid's policies, procedures, things along those lines. Q. And when you say outside counsel, you're referring to Morgan Lewis counsel? A. I am. Q. When did you meet with Morgan Lewis counsel? A. I have met with them various times over the past several months.
2 3 4 5 6 7 8 9 10 11	Q. And if for any reason you do not understand a question and require some clarification or explanation of the words I'm using, you must tell me and we'll get that matter resolved before you answer the question. Is that okay? A. Yes. Q. So then if you answer any of my questions, I will assume that you understand it. Is that okay? A. Yes. Q. Are you currently suffering from	2 3 4 5 6 7 8 9 10 11 12	A. I did. Q. How did you do that? A. I met with outside counsel to go over some documents and to discuss Rite Aid's policies, procedures, things along those lines. Q. And when you say outside counsel, you're referring to Morgan Lewis counsel? A. I am. Q. When did you meet with Morgan Lewis counsel? A. I have met with them various times over the past several months. Q. About how many times?
2 3 4 5 6 7 8 9 10 11 12 13	Q. And if for any reason you do not understand a question and require some clarification or explanation of the words I'm using, you must tell me and we'll get that matter resolved before you answer the question. Is that okay? A. Yes. Q. So then if you answer any of my questions, I will assume that you understand it. Is that okay? A. Yes. Q. Are you currently suffering from any medical disease or illness that in any way	2 3 4 5 6 7 8 9 10 11 12 13	A. I did. Q. How did you do that? A. I met with outside counsel to go over some documents and to discuss Rite Aid's policies, procedures, things along those lines. Q. And when you say outside counsel, you're referring to Morgan Lewis counsel? A. I am. Q. When did you meet with Morgan Lewis counsel? A. I have met with them various times over the past several months. Q. About how many times? A. Perhaps six.
2 3 4 5 6 7 8 8 9 10 11 12 13 14	Q. And if for any reason you do not understand a question and require some clarification or explanation of the words I'm using, you must tell me and we'll get that matter resolved before you answer the question. Is that okay? A. Yes. Q. So then if you answer any of my questions, I will assume that you understand it. Is that okay? A. Yes. Q. Are you currently suffering from any medical disease or illness that in any way interferes with your ability to answer truthfully	2 3 4 5 6 7 8 9 10 11 12 13	A. I did. Q. How did you do that? A. I met with outside counsel to go over some documents and to discuss Rite Aid's policies, procedures, things along those lines. Q. And when you say outside counsel, you're referring to Morgan Lewis counsel? A. I am. Q. When did you meet with Morgan Lewis counsel? A. I have met with them various times over the past several months. Q. About how many times? A. Perhaps six. Q. On average, how long were those
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. And if for any reason you do not understand a question and require some clarification or explanation of the words I'm using, you must tell me and we'll get that matter resolved before you answer the question. Is that okay? A. Yes. Q. So then if you answer any of my questions, I will assume that you understand it. Is that okay? A. Yes. Q. Are you currently suffering from any medical disease or illness that in any way interferes with your ability to answer truthfully and completely my questions here today?	2 3 4 5 6 7 8 9 10 11 12 13 14	A. I did. Q. How did you do that? A. I met with outside counsel to go over some documents and to discuss Rite Aid's policies, procedures, things along those lines. Q. And when you say outside counsel, you're referring to Morgan Lewis counsel? A. I am. Q. When did you meet with Morgan Lewis counsel? A. I have met with them various times over the past several months. Q. About how many times? A. Perhaps six. Q. On average, how long were those meetings you had with outside counsel?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. And if for any reason you do not understand a question and require some clarification or explanation of the words I'm using, you must tell me and we'll get that matter resolved before you answer the question. Is that okay? A. Yes. Q. So then if you answer any of my questions, I will assume that you understand it. Is that okay? A. Yes. Q. Are you currently suffering from any medical disease or illness that in any way interferes with your ability to answer truthfully and completely my questions here today? A. No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. I did. Q. How did you do that? A. I met with outside counsel to go over some documents and to discuss Rite Aid's policies, procedures, things along those lines. Q. And when you say outside counsel, you're referring to Morgan Lewis counsel? A. I am. Q. When did you meet with Morgan Lewis counsel? A. I have met with them various times over the past several months. Q. About how many times? A. Perhaps six. Q. On average, how long were those meetings you had with outside counsel? A. Some were three to four hours.
2 3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. And if for any reason you do not understand a question and require some clarification or explanation of the words I'm using, you must tell me and we'll get that matter resolved before you answer the question. Is that okay? A. Yes. Q. So then if you answer any of my questions, I will assume that you understand it. Is that okay? A. Yes. Q. Are you currently suffering from any medical disease or illness that in any way interferes with your ability to answer truthfully and completely my questions here today? A. No. Q. Are you currently taking any	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. I did. Q. How did you do that? A. I met with outside counsel to go over some documents and to discuss Rite Aid's policies, procedures, things along those lines. Q. And when you say outside counsel, you're referring to Morgan Lewis counsel? A. I am. Q. When did you meet with Morgan Lewis counsel? A. I have met with them various times over the past several months. Q. About how many times? A. Perhaps six. Q. On average, how long were those meetings you had with outside counsel? A. Some were three to four hours. Some were a complete day.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. And if for any reason you do not understand a question and require some clarification or explanation of the words I'm using, you must tell me and we'll get that matter resolved before you answer the question. Is that okay? A. Yes. Q. So then if you answer any of my questions, I will assume that you understand it. Is that okay? A. Yes. Q. Are you currently suffering from any medical disease or illness that in any way interferes with your ability to answer truthfully and completely my questions here today? A. No. Q. Are you currently taking any medication or drugs that may in any way interfere	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. I did. Q. How did you do that? A. I met with outside counsel to go over some documents and to discuss Rite Aid's policies, procedures, things along those lines. Q. And when you say outside counsel, you're referring to Morgan Lewis counsel? A. I am. Q. When did you meet with Morgan Lewis counsel? A. I have met with them various times over the past several months. Q. About how many times? A. Perhaps six. Q. On average, how long were those meetings you had with outside counsel? A. Some were three to four hours. Some were a complete day. Q. I want to start with your
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. And if for any reason you do not understand a question and require some clarification or explanation of the words I'm using, you must tell me and we'll get that matter resolved before you answer the question. Is that okay? A. Yes. Q. So then if you answer any of my questions, I will assume that you understand it. Is that okay? A. Yes. Q. Are you currently suffering from any medical disease or illness that in any way interferes with your ability to answer truthfully and completely my questions here today? A. No. Q. Are you currently taking any medication or drugs that may in any way interfere with your ability to answer truthfully and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. I did. Q. How did you do that? A. I met with outside counsel to go over some documents and to discuss Rite Aid's policies, procedures, things along those lines. Q. And when you say outside counsel, you're referring to Morgan Lewis counsel? A. I am. Q. When did you meet with Morgan Lewis counsel? A. I have met with them various times over the past several months. Q. About how many times? A. Perhaps six. Q. On average, how long were those meetings you had with outside counsel? A. Some were three to four hours. Some were a complete day. Q. I want to start with your educational background, Ms. Hart.
2 3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. And if for any reason you do not understand a question and require some clarification or explanation of the words I'm using, you must tell me and we'll get that matter resolved before you answer the question. Is that okay? A. Yes. Q. So then if you answer any of my questions, I will assume that you understand it. Is that okay? A. Yes. Q. Are you currently suffering from any medical disease or illness that in any way interferes with your ability to answer truthfully and completely my questions here today? A. No. Q. Are you currently taking any medication or drugs that may in any way interfere with your ability to answer truthfully and completely here today?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. I did. Q. How did you do that? A. I met with outside counsel to go over some documents and to discuss Rite Aid's policies, procedures, things along those lines. Q. And when you say outside counsel, you're referring to Morgan Lewis counsel? A. I am. Q. When did you meet with Morgan Lewis counsel? A. I have met with them various times over the past several months. Q. About how many times? A. Perhaps six. Q. On average, how long were those meetings you had with outside counsel? A. Some were three to four hours. Some were a complete day. Q. I want to start with your educational background, Ms. Hart. Actually, before I continue, is
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. And if for any reason you do not understand a question and require some clarification or explanation of the words I'm using, you must tell me and we'll get that matter resolved before you answer the question. Is that okay? A. Yes. Q. So then if you answer any of my questions, I will assume that you understand it. Is that okay? A. Yes. Q. Are you currently suffering from any medical disease or illness that in any way interferes with your ability to answer truthfully and completely my questions here today? A. No. Q. Are you currently taking any medication or drugs that may in any way interfere with your ability to answer truthfully and completely here today? A. No. Q. And the court reporter just swore	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I did. Q. How did you do that? A. I met with outside counsel to go over some documents and to discuss Rite Aid's policies, procedures, things along those lines. Q. And when you say outside counsel, you're referring to Morgan Lewis counsel? A. I am. Q. When did you meet with Morgan Lewis counsel? A. I have met with them various times over the past several months. Q. About how many times? A. Perhaps six. Q. On average, how long were those meetings you had with outside counsel? A. Some were three to four hours. Some were a complete day. Q. I want to start with your educational background, Ms. Hart. Actually, before I continue, is it Ms. Hart or Ms. Getzey Hart?
2 3 4 4 5 6 7 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. And if for any reason you do not understand a question and require some clarification or explanation of the words I'm using, you must tell me and we'll get that matter resolved before you answer the question. Is that okay? A. Yes. Q. So then if you answer any of my questions, I will assume that you understand it. Is that okay? A. Yes. Q. Are you currently suffering from any medical disease or illness that in any way interferes with your ability to answer truthfully and completely my questions here today? A. No. Q. Are you currently taking any medication or drugs that may in any way interfere with your ability to answer truthfully and completely here today? A. No. Q. And the court reporter just swore	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I did. Q. How did you do that? A. I met with outside counsel to go over some documents and to discuss Rite Aid's policies, procedures, things along those lines. Q. And when you say outside counsel, you're referring to Morgan Lewis counsel? A. I am. Q. When did you meet with Morgan Lewis counsel? A. I have met with them various times over the past several months. Q. About how many times? A. Perhaps six. Q. On average, how long were those meetings you had with outside counsel? A. Some were three to four hours. Some were a complete day. Q. I want to start with your educational background, Ms. Hart. Actually, before I continue, is it Ms. Hart or Ms. Getzey Hart? A. Ms. Hart is fine.

Page 18 1 school? 2 A. I did. 3 Q. Where did you complete high 4 school? 5 A. Greater Johnstown Vocational and 6 Technical High School in Johnstown, Pennsylvania. 7 Q. And what year did you graduate 8 from high school? 9 A. 1979. 10 Q. Just let me – I know you can 11 anticipate my question, but just can you please 12 let me finish my question 13 A. I'm sorry. 14 Q and then you can answer the 15 question. 16 It's okay. 17 So just to be clear, what year 18 did you graduate high school? 19 Q. Do you have any education beyond 21 high school? 22 A. I do. 23 Q. What is that education? 24 A. It is a BS in pharmacy. Page 19 1 Q. Where did you graduate 9 Q. And where is that located? 5 A. Pittsburgh, Pennsylvania. 6 Q. What year did you graduate 10 A. (Witness nods head.) 10 Q. Are you registered as a 11 pharmacist in any other states? 11 pharmacist in any other states? 12 meminder to respond verbally. So that 12 first answer had been yes. 13 THE WITNESS: Okay. 14 BY MR. POWERS: 15 Q. So you're registered as a 16 pharmacist in Pennsylvania and New Jersey; if that correct? 18 A. That is correct. 19 A. I do. 20 Q. Do you have any education beyond 21 high school? 22 A. I do. 23 Q. What is that education? 24 A. It is a BS in pharmacy. Page 19 1 Q. Where did you get your BS in 2 pharmacy? 3 A. Duquesne University. 4 Q. And where is that located? 5 A. Pittsburgh, Pennsylvania. 6 Q. What year did you graduate 7 Duquesne University? 8 A. 1984. 9 Q. Besides your college education, 9 A. No breaks for that registration?
2 A. I did. 3 Q. Where did you complete high 4 school? 5 A. Greater Johnstown Vocational and 6 Technical High School in Johnstown, Pennsylvania. 7 Q. And what year did you graduate 8 from high school? 9 A. 1979. 10 Q. Just let me I know you can 11 anticipate my question, but just can you please 12 let me finish my question, but just can you please 13 A. I'm sorry. 14 Q and then you can answer the 15 question. 16 It's okay. 17 So just to be clear, what year 18 did you graduate high school? 19 A. 1979. 10 Q. Do you have any education beyond 11 did you graduate high school? 12 let me finish my question 13 A. I'm sorry. 14 Q and then you can answer the 15 question. 16 It's okay. 17 So just to be clear, what year 18 did you graduate high school? 19 A. 1979. 10 Q. Do you have any education beyond 21 high school? 22 A. I do. 23 Q. What is that education? 24 A. It is a BS in pharmacy. 25 Q. Where did you get your BS in 2 pharmacy? 3 A. Duquesne University. 4 Q. And where is that located? 5 A. Pittsburgh, Pennsylvania. 6 Q. What year did you graduate 7 Q. And are you currently still 2 registered as a pharmacist in New Jersey? 14 Q. So from about 1986 to present, 15 you were registered as a pharmacist in New 16 Jersey; is that right? 17 A. That sounds about right. 18 A. 1984. 19 19 Q. No breaks for that registration?
3 Q. Where did you complete high 4 school? 5 A. Greater Johnstown Vocational and 6 Technical High School in Johnstown, Pennsylvania. 7 Q. And what year did you graduate 8 from high school? 9 A. 1979. 10 Q. Just let me I know you can 11 anticipate my question, but just can you please 12 let me finish my question 13 A. I'm sorry. 14 Q and then you can answer the 15 question. 16 It's okay. 17 So just to be clear, what year 18 did you graduate high school? 19 A. 1979. 20 Q. Do you have any education beyond 21 high school? 22 A. I do. 23 Q. What is that education? 24 A. It is a BS in pharmacy. 29 Page 19 1 Q. Where did you get your BS in 20 Pharmacy? 3 A. Duquesne University. 4 Q. And where is that located? 5 A. Pittsburgh, Pennsylvania. 6 Q. What year did you graduate 7 Duquesne University? 8 A. 1984. 3 A. Yes. 4 Q. I believe you said you're 5 registered in Pennsylvania. Right? 6 A. (Witness nods head.) 7 Q. Are you registered as a 8 pharmacist in any other states? 9 A. New Jersey. 10 MS. McENROE: Again, just a 11 reminder to respond verbally. So that 12 first answer had been yes. 13 THE WITNESS: Okay. 14 BY MR. POWERS: 15 Q. So you're registered as a 16 pharmacist in Pennsylvania and New Jersey; if that correct? 19 Q. Any other states? 20 A. No. 21 Q. When did you first become 22 registered as a pharmacist in New Jersey? 23 A. Probably two years after 24 Pennsylvania. 25 Q. And are you currently still 26 registered as a pharmacist in New Jersey? 27 A. I am. 28 Q. So from about 1986 to present, 29 You were registered as a pharmacist in New 29 Jersey; is that right? 29 A. I am. 4 Q. So from about 1986 to present, 29 You were registered as a pharmacist in New 20 Jersey; is that right? 20 A. That sounds about right. 30 A. I'm sorry. 4 Q. And where is that located? 4 Q. No breaks for that registration?
4 school? 5 A. Greater Johnstown Vocational and 6 Technical High School in Johnstown, Pennsylvania. 7 Q. And what year did you graduate 8 from high school? 9 A. 1979. 10 Q. Just let me I know you can 11 anticipate my question, but just can you please 12 let me finish my question 13 A. I'm sorry. 14 Q and then you can answer the 15 question. 16 It's okay. 17 So just to be clear, what year 18 did you graduate high school? 19 A. 1979. 10 Q. Do you have any education beyond 21 high school? 22 A. I do. 23 Q. What is that education? 24 A. It is a BS in pharmacy. 29 A. Duquesne University. 4 Q. And where is that located? 5 A. Pittsburgh, Pennsylvania. 6 (Q. What year did you graduate 7 Q. Are you registered as a pharmacist in any other states? 9 A. New Jersey. 10 MS. McENROE: Again, just a reminder to respond verbally. So that first answer had been yes. 11 The WITNESS: Okay. 12 First answer had been yes. 13 THE WITNESS: Okay. 14 BY MR. POWERS: 15 Q. So you're registered as a harmacist in Pennsylvania and New Jersey; if that correct? 18 A. That is correct. 19 Q. Any other states? 20 A. No. 21 Q. When did you first become 22 registered as a pharmacist in New Jersey? 23 A. Probably two years after 24 Pennsylvania. 25 Pennsylvania. 26 Q. What year did you graduate 27 Q. Wat year did you graduate 28 pharmacist in new years are pharmacist in New Jersey? 29 A. No. 21 Q. And are you currently still 29 registered as a pharmacist in New Jersey? 20 A. I am. 21 Q. So from about 1986 to present, 22 you were registered as a pharmacist in New Jersey? 23 A. I am. 24 Q. So from about 1986 to present, 25 Jersey; is that right? 26 Jersey; is that right? 27 A. That sounds about right. 28 Jersey is that right?
5 A. Greater Johnstown Vocational and 6 Technical High School in Johnstown, Pennsylvania. 7 Q. And what year did you graduate 8 from high school? 9 A. 1979. 10 Q. Just let me I know you can 11 anticipate my question, but just can you please 12 let me finish my question 13 A. I'm sorry. 14 Q and then you can answer the 15 question. 16 It's okay. 17 So just to be clear, what year 18 did you graduate high school? 19 A. 1979. 20 Q. Do you have any education beyond 21 high school? 22 A. I do. 23 Q. What is that education? 24 A. It is a BS in pharmacy. Page 19 1 Q. Where did you get your BS in 2 pharmacist in nennsylvania. 6 Q. What year did you graduate 8 from high school? 9 A. 1979. 10 Q. Ane w Jersey. 11 reminder to respond verbally. So that 12 first answer had been yes. 13 THE WITNESS: Okay. 14 BY MR. POWERS: 15 Q. So you're registered as a 16 pharmacist in Pennsylvania and New Jersey. 17 that correct? 18 A. That is correct. 19 Q. Any other states? 20 A. No. 21 Q. When did you first become 22 registered as a pharmacist in New Jersey? 23 A. Probably two years after 24 Pennsylvania. Page 19 1 Q. Where did you get your BS in 2 pharmacy? 3 A. Duquesne University. 4 Q. And where is that located? 5 A. Pittsburgh, Pennsylvania. 6 Q. What year did you graduate 7 Duquesne University? 8 A. 1984. 5 A. 1984.
6 Technical High School in Johnstown, Pennsylvania. 7 Q. And what year did you graduate 8 from high school? 9 A. 1979. 10 Q. Just let me I know you can 11 anticipate my question, but just can you please 12 let me finish my question 13 A. I'm sorry. 14 Q and then you can answer the 15 question. 16 It's okay. 17 So just to be clear, what year 18 did you graduate high school? 19 A. 1979. 20 Q. Do you have any education beyond 21 high school? 22 A. I do. 23 Q. What is that education? 24 A. It is a BS in pharmacy. Page 19 1 Q. Where did you get your BS in 2 pharmacy? 3 A. Duquesne University. 4 Q. And where is that located? 5 A. Pittsburgh, Pennsylvania. 6 Q. What year did you graduate 8 from high school? 9 A. 1979. 9 A. No. 10 Mis McENROE: Again, just a reminder to respond verbally. So that first answer had been yes. 11 reminder to respond verbally. So that first answer had been yes. 12 first answer had been yes. 13 THE WITNESS: Okay. 14 BY MR. POWERS: 15 Q. So you're registered as a pharmacist in Pennsylvania and New Jersey; if that correct? 18 A. That is correct. 19 Q. Any other states? 20 A. No. 21 Q. When did you first become registered as a pharmacist in New Jersey? 23 A. Probably two years after 24 Pennsylvania. Page 19 1 Q. And are you currently still 2 registered as a pharmacist in New Jersey? 3 A. I am. 4 Q. So from about 1986 to present, you were registered as a pharmacist in New Gersey; is that right? 7 A. That sounds about right. 8 A. 1984.
7 Q. And what year did you graduate 8 from high school? 9 A. 1979. 10 Q. Just let me I know you can 11 anticipate my question, but just can you please 12 let me finish my question 13 A. I'm sorry. 14 Q and then you can answer the 15 question. 16 It's okay. 17 So just to be clear, what year 18 did you graduate high school? 19 A. 1979. 20 Q. Do you have any education beyond 21 high school? 22 A. I do. 23 Q. What is that education? 24 A. It is a BS in pharmacy. Page 19 1 Q. Where did you get your BS in 2 pharmacy? 3 A. Duquesne University. 4 Q. And where is that located? 5 A. Pittsburgh, Pennsylvania. 6 Q. What year did you graduate 7 Duquesne University? 8 A. 1984. 7 Q. Are you registered as a 8 pharmacist in any other states? A. New Jersey. A. No. A. That is correct. By MR. POWERS: A. No. A. That is correct. A. No. C. Any other states? A. Probably two years after A. Probably two years after A. I am. A. I
8 from high school? 9 A. 1979. 10 Q. Just let me I know you can 11 anticipate my question, but just can you please 12 let me finish my question 13 A. I'm sorry. 14 Q and then you can answer the 15 question. 16 It's okay. 17 So just to be clear, what year 18 did you graduate high school? 19 A. 1979. 20 Q. Do you have any education beyond 21 high school? 22 A. I do. 23 Q. What is that education? 24 A. It is a BS in pharmacy. Page 19 1 Q. Where did you get your BS in 2 pharmacy? 3 A. Duquesne University. 4 Q. And where is that located? 5 A. Pittsburgh, Pennsylvania. 6 Q. What year did you graduate 7 Duquesne University? 8 A. 1984. 8 pharmacist in any other states? 9 A. New Jersey. 10 MS. McENROE: Again, just a 11 reminder to respond verbally. So that 12 first answer had been yes. 13 THE WITNESS: Okay. 14 BY MR. POWERS: 15 Q. So you're registered as a 16 pharmacist in Pennsylvania and New Jersey; in that correct? 19 A. 17 that is correct. 19 Q. Any other states? 20 A. No. 21 Q. When did you first become 22 registered as a pharmacist in New Jersey? 23 A. Probably two years after 24 Pennsylvania. Page 19 1 Q. And are you currently still 2 registered as a pharmacist in New Jersey? 3 A. I am. 4 Q. So from about 1986 to present, 5 you were registered as a pharmacist in New 6 Jersey; is that right? 7 A. That sounds about right. 8 Q. No breaks for that registration?
9 A. 1979. 10 Q. Just let me I know you can 11 anticipate my question, but just can you please 12 let me finish my question 13 A. I'm sorry. 14 Q and then you can answer the 15 question. 16 It's okay. 17 So just to be clear, what year 18 did you graduate high school? 19 A. 1979. 20 Q. Do you have any education beyond 21 high school? 22 A. I do. 23 Q. What is that education? 24 A. It is a BS in pharmacy. Page 19 1 Q. Where did you get your BS in 2 pharmacy? 3 A. Duquesne University. 4 Q. And where is that located? 5 A. Pittsburgh, Pennsylvania. 6 Q. What year did you graduate 7 Duquesne University? 8 A. 1984. 9 A. New Jersey. 10 MS. McENROE: Again, just a 11 reminder to respond verbally. So that 12 first answer had been yes. 12 first answer had been yes. 13 THE WITNESS: Okay. 14 BY MR. POWERS: 15 Q. So you're registered as a 16 pharmacist in Pennsylvania and New Jersey; in that correct? 18 A. That is correct. 19 Q. Any other states? 20 A. No. 21 Q. When did you first become 22 registered as a pharmacist in New Jersey? 23 A. Probably two years after 24 Pennsylvania. 25 Pennsylvania. 4 Q. And are you currently still 27 registered as a pharmacist in New Jersey? 3 A. I am. 4 Q. So from about 1986 to present, 5 you were registered as a pharmacist in New 6 Jersey; is that right? 7 A. That sounds about right. 8 Q. No breaks for that registration?
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 Duquesne University? A. That sounds about right. A. 1984. Q. No breaks for that registration?
8 A. 1984. 8 Q. No breaks for that registration?
⁹ Q. Besides your college education, ⁹ A. No breaks.
¹⁰ do you have any other educational background? ¹⁰ Q. After graduation from college in
11 A. I do not. 11 1984, did you start working at Rite Aid at th
Q. Do you have any certifications of 12 point?
¹³ any kind? ¹³ A. I did.
A. I am a pharmacist.
Q. What does that mean, that you're 15 by Rite Aid?
16 a pharmacist?
A. It means I'm registered with the Q. Have you been employed by Rite
18 state of Pennsylvania as a pharmacist. 18 Aid the entire time, from 1984 until present
Q. Is that registration current?
20 A. Yes. 20 Q. When you started working at Rite
Q. When did you get that? When did 21 Aid in 1984, what was your position?
22 you first get that registration as a pharmacist? 22 A. I was a pharmacy intern.
A. 1984. 23 Q. As a pharmacy intern, where did
Q. Have you kept your registration 24 you work?

		_	ruremen confidenciality keview
	Page 22		Page 24
1	A. Johnstown, Pennsylvania.	1	Q
2	Q. How long were you a pharmacy	2	you
3	intern for?	3	A. Johnstown.
4	A. Approximately four months.	4	Q. Sorry.
5	Q. After your position as a pharmacy	5	A. Oh, I'm sorry.
6	intern, what was your next title?	6	Q. What was the location where you
7	A. Pharmacist.	7	were a pharmacy manager?
8	Q. Now, was that also located in	8	A. Johnstown.
9	Johnstown, Pennsylvania?	9	Q. Did you have any other
10	A. It was.	10	responsibilities besides the profitability while
11	Q. And when you say located in	11	you were a pharmacy manager?
12	Johnstown, Pennsylvania, is that the Rite Aid	12	A. The responsibilities were to
13	corporate offices?	13	dispense prescriptions, payroll, just running the
14	A. It is not. It's a retail	14	basic business of the pharmacy.
15	pharmacy location.	15	
16	Q. Approximately how long were you a	16	
17	pharmacist for at Rite Aid?	17	
18	MS. McENROE: Objection to form.	18	
19	THE WITNESS: At the Johnstown	19	
20	store, about six months.	20	
21	BY MR. POWERS:	21	
22	Q. Where did you go after that?	22	
23	A. I became a floater pharmacist and	23	
	worked at various Rite Aid pharmacy locations in	24	•
		1	
	Page 23		Page 25
	the general area.	1	1987 that you became a training pharmacist?
1 2	the general area. Q. You say when you say the	1 2	1987 that you became a training pharmacist? A. That sounds correct.
	the general area. Q. You say when you say the general area, what do you mean by that?		1987 that you became a training pharmacist? A. That sounds correct. Q. How long did you hold the
2	the general area. Q. You say when you say the	2	1987 that you became a training pharmacist? A. That sounds correct. Q. How long did you hold the
3	the general area. Q. You say when you say the general area, what do you mean by that?	3	A. That sounds correct. Q. How long did you hold the position as training pharmacist? A. Probably eight months.
3 4	the general area. Q. You say when you say the general area, what do you mean by that? A. Around Johnstown.	3 4	A. That sounds correct. Q. How long did you hold the position as training pharmacist? A. Probably eight months. Q. And you said there was a
2 3 4 5	the general area. Q. You say when you say the general area, what do you mean by that? A. Around Johnstown. Q. How long were you a floater	2 3 4 5	A. That sounds correct. Q. How long did you hold the position as training pharmacist? A. Probably eight months. Q. And you said there was a
2 3 4 5	the general area. Q. You say when you say the general area, what do you mean by that? A. Around Johnstown. Q. How long were you a floater pharmacist for?	2 3 4 5 6	A. That sounds correct. Q. How long did you hold the position as training pharmacist? A. Probably eight months. Q. And you said there was a acquisition that Rite Aid made around that time.
2 3 4 5 6 7	the general area. Q. You say when you say the general area, what do you mean by that? A. Around Johnstown. Q. How long were you a floater pharmacist for? A. Approximately two years.	2 3 4 5 6 7	A. That sounds correct. Q. How long did you hold the position as training pharmacist? A. Probably eight months. Q. And you said there was a acquisition that Rite Aid made around that time.
2 3 4 5 6 7 8	the general area. Q. You say when you say the general area, what do you mean by that? A. Around Johnstown. Q. How long were you a floater pharmacist for? A. Approximately two years. Q. So that would be about 1986 you	2 3 4 5 6 7 8	A. That sounds correct. Q. How long did you hold the position as training pharmacist? A. Probably eight months. Q. And you said there was a acquisition that Rite Aid made around that time. Correct?
2 3 4 5 6 7 8	the general area. Q. You say when you say the general area, what do you mean by that? A. Around Johnstown. Q. How long were you a floater pharmacist for? A. Approximately two years. Q. So that would be about 1986 you stopped being a floater pharmacist?	2 3 4 5 6 7 8	A. That sounds correct. Q. How long did you hold the position as training pharmacist? A. Probably eight months. Q. And you said there was a acquisition that Rite Aid made around that time. Correct? A. Correct. Q. And the name of the other
2 3 4 5 6 7 8 9	the general area. Q. You say when you say the general area, what do you mean by that? A. Around Johnstown. Q. How long were you a floater pharmacist for? A. Approximately two years. Q. So that would be about 1986 you stopped being a floater pharmacist? A. That sounds correct.	2 3 4 5 6 7 8 9 10	A. That sounds correct. Q. How long did you hold the position as training pharmacist? A. Probably eight months. Q. And you said there was a acquisition that Rite Aid made around that time. Correct? A. Correct. Q. And the name of the other
2 3 4 5 6 7 8 9 10	the general area. Q. You say when you say the general area, what do you mean by that? A. Around Johnstown. Q. How long were you a floater pharmacist for? A. Approximately two years. Q. So that would be about 1986 you stopped being a floater pharmacist? A. That sounds correct. Q. After a floater pharmacist, what	2 3 4 5 6 7 8 9 10	A. That sounds correct. Q. How long did you hold the position as training pharmacist? A. Probably eight months. Q. And you said there was a acquisition that Rite Aid made around that time. Correct? A. Correct. Q. And the name of the other business that Rite Aid acquired was Gray Drug, do
2 3 4 5 6 7 8 9 10 11	the general area. Q. You say when you say the general area, what do you mean by that? A. Around Johnstown. Q. How long were you a floater pharmacist for? A. Approximately two years. Q. So that would be about 1986 you stopped being a floater pharmacist? A. That sounds correct. Q. After a floater pharmacist, what was your next position at Rite Aid?	2 3 4 5 6 7 8 9 10 11 12	A. That sounds correct. Q. How long did you hold the position as training pharmacist? A. Probably eight months. Q. And you said there was a acquisition that Rite Aid made around that time. Correct? A. Correct. Q. And the name of the other business that Rite Aid acquired was Gray Drug, do I have that correct? A. Gray Drug, yes.
2 3 4 5 6 7 8 9 10 11 12 13	the general area. Q. You say when you say the general area, what do you mean by that? A. Around Johnstown. Q. How long were you a floater pharmacist for? A. Approximately two years. Q. So that would be about 1986 you stopped being a floater pharmacist? A. That sounds correct. Q. After a floater pharmacist, what was your next position at Rite Aid? A. I was a pharmacy manager.	2 3 4 5 6 7 8 9 10 11 12 13	A. That sounds correct. Q. How long did you hold the position as training pharmacist? A. Probably eight months. Q. And you said there was a acquisition that Rite Aid made around that time. Correct? A. Correct. Q. And the name of the other business that Rite Aid acquired was Gray Drug, do I have that correct? A. Gray Drug, yes. Q. So it was your job while you were
2 3 4 5 6 7 8 9 10 11 12 13 14	the general area. Q. You say when you say the general area, what do you mean by that? A. Around Johnstown. Q. How long were you a floater pharmacist for? A. Approximately two years. Q. So that would be about 1986 you stopped being a floater pharmacist? A. That sounds correct. Q. After a floater pharmacist, what was your next position at Rite Aid? A. I was a pharmacy manager. Q. How long were you a pharmacy	2 3 4 5 6 7 8 9 10 11 12 13 14	A. That sounds correct. Q. How long did you hold the position as training pharmacist? A. Probably eight months. Q. And you said there was a acquisition that Rite Aid made around that time. Correct? A. Correct. Q. And the name of the other business that Rite Aid acquired was Gray Drug, do I have that correct? A. Gray Drug, yes. Q. So it was your job while you were a training pharmacist to go around to the Gray
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	+ghiyuconvicent iau # Subject E		Page 28
1	Q. After your time as a training	1	Q. So that would have been around
2	pharmacist, what was your next position at Rite	2	1992 to 1993. Right?
3	Aid?	3	A. Correct.
4	A. I moved to Baltimore to become a	4	Q. What did you do as the director
5	pharmacy manager.	5	of professional placement?
6	Q. So that would have been around	6	A. I was responsible for going to
7	1988 when you moved to Baltimore?	7	schools of pharmacy and recruiting pharmacy
8	A. That sounds correct.	8	students to come to work for Rite Aid. And I was
9	Q. And was that position as a	9	responsible for putting together training
10	pharmacy manager also for a retail location?	10	programs for the region.
11	A. It was.	11	Q. When you say the region, what
12	Q. Were your job responsibilities	12	region are you referring to?
13	the same as your previous stint as a pharmacy	13	A. Baltimore metro market.
14	manager in Johnstown, Pennsylvania?	14	Q. After your year as the director
15	A. They were.	15	of professional placement, what was your next
16	Q. How long were you the pharmacy	16	position at Rite Aid?
17	manager in Baltimore?	17	A. Pharmacy division manager.
18	A. Approximately two years.	18	Q. How long were you a pharmacy
19	Q. After being a pharmacy manager in	19	division manager for?
20	Baltimore, what was your next job at Rite Aid?	20	A. Two years.
21	A. I got promoted to be a pharmacy	21	Q. So that would be approximately
22	district manager.	22	1993 through 1995?
23	Q. And that would have been around	23	A. That is correct.
24	1990?	24	Q. And what were your job
	Page 27		Page 29
1	A. Yes.	1	responsibilities as a pharmacy division manager?
2	Q. How long were you a pharmacy	2	A. Similar to the pharmacy manager
3	district manager for?	3	and the pharmacy district manager. I was
4	A. Approximately two years.	4	responsible for the profitability and operations
5	Q. Was that also in Baltimore,	5	of approximately 150 Rite Aid pharmacies in the
6	Maryland?	6	Baltimore metro market.
7	A. It was.	7	Q. After your time as the pharmacy
8	Q. What were your responsibilities	8	division manager, what was your next position at
9	as a pharmacy district manager?	9	Rite Aid?
10	A. Similar to that as a pharmacy	10	A. I moved I got promoted into
11	manager, the pharmacy district manager was	11	the corporate office, and I became a manager of
12	1	12	government affairs.
13	8, 8,1	13	Q. And that would have been around
14	Q. And the 25 to 30 stores that you	14	1995?
15	were responsible rest, were unese uni in the	15	A. Correct.
16 17	Maryland area? A. Yes.		Q. Now, when you say the corporate
18		17 18	office, are you referring to the Rite Aid offices
19	Q. What was your next position after pharmacy district manager?	19	in Camp Hill, Pennsylvania? A. I am.
20	A. Director of professional	20	Q. Were you physically located
	placement.	21	starting in 1995 in the offices in Camp Hill,
	pracement.	1	starting in 1999 in the offices in Camp IIIII,
22	Q. How long were you the director of	22	Pennsylvania?

A. For approximately a year.

²³ professional placement?

24

A. I believe I moved to Camp Hill in

²⁴ 1996.

Page 30 1 When you moved to Camp Hill, it 1 there was someone that needed to go before a ² was for the position that you just described, the ² Senate committee or something like that, they manager of government affairs. Right? 3 would ask me to go and to provide testimony or to ⁴ speak on behalf of Rite Aid. And so having done A. It was. 4 ⁵ that a number of times in my previous capacity, 5 Q. What were your job responsibilities as a manager of government 6 the opportunity came up for the additional position in the Rite Aid corporate headquarters, affairs? so that's when they promoted me into that 8 I was responsible for varying --A. many times varying number of states to follow position. 10 regulatory and legislation concerning anything 10 And then after that, it was 11 that would impact the Rite Aid book of business. 11 really hands-on training with the individuals at ¹² I was responsible for compliance with DEA rules the corporate office. ¹³ and regulations. And I was responsible for 13 Q. Who were some of the individuals 14 prescription drug monitoring programs and who you did the hands-on training with? submitting data to a limited number of programs A. Mike Podgurski. that were there in 1995. 16 Q. Anyone else? 17 17 I'm trying to think who else was How long were you the manager of 18 government affairs? there at that time. 19 A. From 1995 to 2006. 19 It was pretty much Mike and --20 In that time period from 1995 to 20 Q. Mike and Jim. 21 2006, who was your supervisor? 21 Q. When you say Jim, that's James 22 A. James Krahulec. 22 Krahulec? 23 23 Q. Can you spell that last name, A. (Witness nods head.) MS. McENROE: Is that a yes? 24 please? Page 31 Page 33 K-R-A-H-U-L-E-C. 1 A. THE WITNESS: Yes. 2 O. Was there anyone else in the MR. POWERS: Sorry. Yeah, thank government affairs division at Rite Aid during 3 you. that time period, 1995 to 2006? BY MR. POWERS: 5 Can you repeat the question? Q. And what was Mike Podgurski's 6 O. Sure. 6 title? 7 Was anyone else in the government I don't know what his title was affairs division, let's say, of Rite Aid between at that time. He's had a lot of titles, I don't that period, 1995 to 2006? know what it was specifically at that time. 9 10 We had like an administrative 10 We've been talking about the staff, but during that time it was Mr. Krahulec government affairs division. and myself. 12 What division did Mike Podgurski 12 13 Q. Who was the administrative staff? 13 work in? 14 A. Deb Hurley. 14 More pharmacy ops. A. 15 Can you spell the last name? 15 And I'm using the word Q. Q. H-U-R-L-E-Y. "division." 16 A. 16 17 17 O. How did you train for your job as Is that the correct term or 18 manager of government affairs? department or is there a better term in how Rite 19 Well, in my capacity as the Aid describes the organizational structure? pharmacy regional person in Baltimore, I had the It's government affairs A. 21 opportunity at that time to go and testify in ²¹ department. It's very small. ²² Annapolis, meet with legislators. Mr. Krahulec 22 Okay. So it's department, I Q. 23 obviously was only one person and couldn't be at 23 guess? ²⁴ that time in approximately 15 states. And so if 24 Yeah. A.

Page 34 Page 36 1 Okay. How does the government You also mentioned before that affairs department fit into the larger ² you gave testimony, I believe you said, to governmental organizations; is that correct? organizational structure of the Rite Aid corporate office? A. That is correct. 5 MS. McENROE: Objection to form. O. What test -- can you give me some examples of the testimony that you gave? 6 THE WITNESS: We monitor 7 Certainly. There were pieces of legislation and then provide updates to 8 legislation to -- where there was going to be a 8 the corporate departments that are reimbursement cut to Medicaid where the 9 involved. If it's a tax issue, we would 10 forward the legislation to the tax 10 dispensing fee was going to be reduced. And we 11 obviously, from a business perspective, we did 11 department. If it was a pharmacy issue, 12 not want that to occur, so we would testify in we would forward it to the pharmacy 13 department. We also had control or order to maintain the dispensing fee. 14 looked over DEA rules and regulations. 14 Did you give testimony to state government agencies? 15 And if there was a question concerning, 16 16 A. I did. you know, a DEA rule or regulations, 17 17 What were the state government pharmacy operations or the other O. 18 departments would come and ask us agencies that you testified to? I've testified before the 19 questions or ask us to investigate and A. 20 Maryland General Assembly, or a subcommittee of provide an answer back to them. 21 the assembly. BY MR. POWERS: 22 Q. For DEA issues, you mentioned the 22 Q. Anywhere else besides the 23 Maryland General Assembly? pharmacy departments. 24 The Pennsylvania General Any other departments you worked Page 35 Page 37 ¹ with on DEA issues? ¹ Assembly. 2 2 A. Logistics. Q. Anywhere else? 3 And who did you work with in the 3 Maine. Q. A. 4 logistics department? Anywhere else? O. I don't remember who was in 5 Vermont. A. A. logistics back then. 6 Q. Anywhere else? 7 Those are the ones that I can Besides logistics and pharmacy, A. any other departments you worked with on DEA recall. issues for your time period '95 through 2006? Did you ever testify about DEA 10 A. I think that's it. compliance issues before any of the state bodies 11 Anyone else besides the pharmacy that you just named? O. department, besides Mike Podgurski that you 12 MS. McENROE: Objection to form. worked with? 13 THE WITNESS: For the time period 13 14 There were various individuals in 14 when I was a manager of government the various -- in that department that I would 15 affairs, not that I remember. 15 work with. BY MR. POWERS: 16 16 17 Q. Can you name the ones you 17 Did you ever testify before 18 remember? federal agencies during the time period of 1995 19 through 2006? A. Sure. Scott Jacobson. 19 20 20 I did not. O. Do you remember Scott Jacobson's A. 21 21 title? Have you ever testified before 22 VP pharmacy operations. ²² federal agencies during your entire time at Rite A. Anyone else? 23 23 Aid? Q. 24 24 A. Not at this time. I believe no. A.

Page 38 How about Chris Belli, does that 1 And to be clear, when I say O. ² federal agencies, I'm also including legislative name sound familiar to you? 3 bodies. Α. Yes. 4 Is that okay? Q. Is that one of the people you've been working with in the logistics department? 5 That's fine. A. Does that change your answer? Yes. 6 Q. A. 7 O. And are those people, Chris Belli A. 8 What is the government affairs and Kevin Mitchell, the people you're referring O. department relationship with the distribution to when you say the person in charge of the DEA 10 centers? coordinators at the logistics department? 11 11 MS. McENROE: Objection to form. A. Yes. 12 THE WITNESS: We work together. 12 So after 2006, you ceased -- your O. BY MR. POWERS: title ceased to be manager of government affairs. 13 14 Do the distribution centers Correct? 15 report to the government affairs office? 15 Correct. Α. 16 A. They do not. 16 Q. What did your title become at 17 O. Was there a typical contact that point? person at each distribution center that you would A. Director, government affairs. I work with? 19 got a promotion. 20 20 There were contact individuals at Is that your current title, A. director of government affairs? the distribution centers. 22 22 Did those contact individuals A. It is. ²³ have a particular title at the distribution 23 O. Have you held the position of centers? director of government affairs continuously from Page 39 Page 41 1 2006 until the present? 1 A. DEA coordinator. 2 So is it fair to say then the I have. ³ government affairs office would interact with the What happened to James Krahulec ⁴ DEA coordinators at each individual distribution 4 when you became the director of government 5 center? 5 affairs? I myself would interact more with 6 James Krahulec passed away in ⁷ the person that was in charge of the DEA 2006 or so. And Mike Podgurski moved in to coordinators at the corporate office. government affairs. So from when I was a 9 Who was the person in charge of director of government affairs, Mike Podgurski 10 the DEA coordinators at the corporate office? then became my boss. There was a director of 11 Q. Did that move of Mike Podgurski 12 logistics, regulatory, something along that title to becoming your boss happen at the same time you 13 line. I don't know the official title. became director of government affairs? Would that be the logistics -- in 14 A. Close to the same time frame, the logistics department that you talked about 15 yes. earlier? 16 16 Q. Who else was in your department when you became the director of government 17 Α. Yes. 18 Does the name Kevin Mitchell ring 18 affairs? a bell for you? 19 There would have been an 19 20 Α. Yes. individual, Michael Yount. 21 Is that one of the people that 21 How do you spell that last name? Q. ²² you would have been working with in the logistics 22 A. Y-O-U-N-T. 23 department? When did Mr. Yount start in the O. 24 24 government affairs department? A. Yes.

	<u> </u>		
	Page 42		Page 44
1	A. I don't remember.	1	Q. Who else worked in the government
2	Q. Was it around the time you became	2	affairs office between 1995 and the present?
3	the director of government affairs?	3	A. Amy Knisely.
4	A. I believe it was prior to that	4	Q. Anyone else?
5	point.	5	•
6	Q. So Michael Yount was part of the	6	Q. Anyone else?
7	government affairs department before you became	7	•
	director of government affairs?	8	·
9	A. Yes.	9	
10	Q. How long did Michael Yount work	10	Q. Anyone else?
11	in the government affairs office?	11	A. Sarah Hilbolt.
12	A. I don't recall.	12	
13	Q. Does he still work in the	13	• •
14	government affairs office?	14	
15	A. He does not.	15	-
16	Q. Do you know when he left?	16	
17	A. I don't remember.	17	•
18	Q. Was it more or less than ten	18	Q. Anyone else?A. Jermaine Smith.
19		19	
20	years ago when Michael Yount left?		Q. And when I say anyone else, feel
	A. It was more than ten years ago	20	F
	that he left.	21	A. Okay.
22	Q. How come you did not mention	22	Q. Anyone else besides who you've
	Michael Yount before when I asked you who else	23	
24	worked in the government affairs office while you	24	A. I'm thinking.
	Page 43		Page 45
1		1	
1 2	were the manager of government affairs?	1 2	Yong Choe.
	were the manager of government affairs? MS. McENROE: Objection to form.	2	Yong Choe. Those are to the best of my
2	were the manager of government affairs? MS. McENROE: Objection to form. THE WITNESS: I just completely	2	Yong Choe. Those are to the best of my knowledge.
2 3 4	were the manager of government affairs? MS. McENROE: Objection to form. THE WITNESS: I just completely forgot about Michael.	3 4	Yong Choe. Those are to the best of my knowledge. Q. I believe you testified earlier
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	Page 46		Page 48
	error that was sent to the program. And that was		affairs department. Right?
	taking up increasing amounts of time.	2	A. Yes.
3	There was also additional	3	Q. Is that a separate department
	heightened awareness around DEA rules and	4	
	regulations. Legislation was getting more	5	A. Yes.
6	involved.	6	Q. Did you ever work with other
7	Q. During that period after 2006,	7	people from the regulatory affairs department
8	who in the government affairs office had	8	while you were the director of government
9	responsibility in any shape or form for dealing	9	affairs?
10	With the Berrings with regularies.	10	A. Yes.
11	MS. McENROE: Objection to form.	11	Q. Who else from regulatory affairs
12	THE WITNESS: That would be	12	
13	myself.	13	A. Zach Hicks.
14	BY MR. POWERS:	14	Q. Can you spell that?
15	Q. Anyone else?	15	A. H-I-C-K-S.
16	A. Yes.	16	Q. Anyone else?
17	May I make an addition to an	17	A. Greg Mills. That's it.
18	individual in government affairs?	18	Q. Do you know who the director of
19	Q. Sure.	19	the regulatory affairs office was during this
20	A. I don't believe I mentioned	20	time period, starting in 2006?
21	Andrea Bucher.	21	A. There was no regulatory affairs
22	Q. Okay. Anyone else besides	22	department in 2006. I think why there's some
23	yourself in the government affairs office that	23	confusion here is what happened was government
24	dealt with DEA's rules and regulations?	24	affairs split off from regulatory affairs
	7 15	-	
	Page 47		Page 49
1	A. Since then?	1	_
1 2	A. Since then?		Page 49 approximately two years ago. And so that's why there's some confusion as far as the individuals
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Page 50 1 A. Correct. ¹ charge of legislative and regulatory for? 2 Q. Okay. Why was the regulatory Maryland and Delaware. affairs department created in 2017? When you say in charge of There was heightened awareness on 4 legislative and regulatory, what do you mean by many regulatory affairs issues, such as DEA, 5 that? HIPAA, and so the decision was made to create a I mean follow any legislation department. 7 that impacts Rite Aid's book of business and then 8 provide that information to the various Who was the person in charge of Q. the regulatory affairs office starting in 2017? departments that would be impacted by the 10 Α. Amanda Glover. 10 legislation or the regulation, work with groups 11 to put forth a response to the legislation, 11 And she would have been O. provide comments, anything that needed to be done previously employed in the government affairs and regulatory affairs department prior to 2017; is related to those issues. 14 that right? 14 And you also mentioned that you 15 She was not. had responsibility for prescription monitoring Α. 16 Q. Do you know where she was before? programs. 17 17 Pharmacy operations, I believe. Can you explain that? 18 How did your job responsibilities Certainly. In each state that as the director of government affairs change when Rite Aid does business, we're required by law to 19 the new regulatory affairs department was report any controlled substance data for created? prescriptions that we dispense to the state. In 22 A. I had less responsibilities for each state, we send the data on a daily basis. state legislative and regulatory following And then what happens is we get errors back, ²⁴ legislation than I had previously. I had bumped where the stores will say put a symbol in the Page 51 Page 53 ¹ up and down between the number of states that I ¹ name. They'll say -- it's a K9 and they put ² covered. And I went down to two states to cover ² parentheses around the K9, so that comes back as ³ because of the other increasing responsibilities. ³ an error. And then we're responsible for Q. What were your increasing ⁴ correcting that and sending it back to the responsibilities? prescription monitoring program. 6 DEA compliance, prescription We need to stay up on all of the monitoring program compliance. different formats and all of the different You started talking a little bit standards related to the prescription monitoring about it there, but as the director of government program so that we stay in compliance, because ¹⁰ affairs between 2006 and 2017, what were your job there are significant fines associated with it if responsibilities? we're not in compliance. 12 Similar to my responsibilities as 12 Are you talking about the prescription monitoring programs, are those manager of government affairs. 13 Q. Can you explain what you mean by particular prescription monitoring programs in

15 that? Sure. I did the same thing,

16 pretty much. I was in charge of DEA compliance as far as providing information, questions to the 19 various departments throughout the company. I ²⁰ was responsible for prescription monitoring programs. And I was responsible for legislative ²² and regulatory for two states. At present, I'm

23 down to one state.

24

What two states were you in

15 each state? 16 Yes, they're in each state. A. 17 Q. And the prescription monitoring 18 programs, are they different in each state? 19 They are. A. 20 Do the prescription monitoring O. programs have anything to do with Rite Aid's role as a distributor of controlled substances? 23 MS. McENROE: Objection, form. 24 THE WITNESS: There are certain (50 - 53)Page 14

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- 1 states that require distributor data to
- 2 be sent to them.
- 3 BY MR. POWERS:
- 4 Q. You also mentioned that as
- ⁵ director of government affairs that you were in
- charge of DEA compliance.
- 7 Can you explain what you mean by
- 8 that?
- Certainly. If there was a DEA
- 10 question or a new DEA rule or regulation that
- 11 came up, it's my job to communicate that to store
- 12 operations; to logistics, if it involves
- 13 transporting drugs; to provide, you know,
- guidance into policies and procedures as far as
- compliance with DEA rules and regulations.
- 16 You said it's your job to
- communicate the DEA compliance issues. 17

18 How would you communicate to the other Rite Aid employees? 19

- 20 If there was a proposed piece of
- ²¹ legislation, I would either forward an email to
- 22 the individuals that are in the correct
- ²³ department. We could possibly have a discussion
- ²⁴ about the proposed regulation to determine how it

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- ¹ VP of operations or the VP of logistics, was that
- ² just communicate via email?
- Email typically, yes. And then
- ⁴ typically what would happen is they would read it
- 5 and call me back and then we'd start a
- discussion.
- Q. We've been talking about new
- rules and regulations.
- How do you communicate
- long-standing rules and regulations regarding DEA 11
 - compliance?

12

13

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24

- MS. McENROE: Objection to form.
- THE WITNESS: We do that in a
- number of ways. We have DEA reminder
- 15 messages that we send to all of our
 - stores on a weekly basis. Those messages
- 17 include compliance with CSA and the CFR,
- 18 where they are how to execute an order
- 19 form, things along those lines.
- 20 BY MR. POWERS:
- 21 O. How are those DEA reminder
- 22 messages sent to the stores?
 - They are sent in what we call a
 - management planner.

Page 55

- ¹ would impact the Rite Aid book of business.
- So besides emailing the
- ³ appropriate people and having discussions, did
- 4 you do anything else to communicate new rules and
- 5 regulations?
- I mean, we might have a meeting,
- ⁷ a meeting as such to discuss it and determine
- what our action plan would be.
- And then we could -- we would
- 10 have an email communication as far as rolling it
- 11 out to the stores and what we were going to
- communicate to stores to do to be compliant. So
- 13 that was all a part of the process.
- Was there any standard procedure
- about how to communicate a new DEA rule or
- regulation? 16
- 17 A. The standard procedure for myself
- 18 is to communicate it to our VP of pharmacy
- 19 operations. If it was logistics, the VP of
- 20 logistics. Anybody that was involved in that
- 21 particular matter would be communicated on so
- 22 that they were aware of pending or then passed
- 23 legislation.
- 24 When you say communicated to the

- Q. What is a management planner?
- Α. It's a weekly message board that
- goes out to all of our pharmacies.
- Is this an electronic system? 4 Q.
 - A. Yes.
- 6 Who would have access to that O.
- electronic system?
 - The pharmacist, our field
- management, people in corporate.
- 10 O. You've been talking about
 - communicating with the stores.
 - How about DEA policies and
 - procedures related to distribution, how did you
 - communicate those?
- 15 DEA with -- for distribution,
- would go to the VP of logistics. And then
- they're individuals during that time period that
- we mentioned, Kevin Mitchell, Chris Belli,
- communication would go to them if there was
 - something impacting the distribution centers.
- 21 And those communications would
- also be just via email? 23 A. Typically, yes.
 - Any other ways besides email? Q.

Page 58 Page 60 1 Normal communications. Their 1 Q. Who? offices are not too -- their office was not too A. Amanda Glover. far from mine, so we would have conversations. Anyone else? Q. Mike Podgurski, Zach Hicks, Greg You mean just like walk down to A. 4 their office? Mills. 5 6 A. Yep. Q. Anyone else? 7 How did you communicate existing A. Scott Jacobson. O. or long-standing DEA regulations regarding Did you ever consult anyone O. outside of Rite Aid when you were formulating distribution of controlled substances? guidance on DEA regulations? 10 MS. McENROE: Objection to form. 11 THE WITNESS: I didn't 11 Occasionally. A. 12 12 communicate to the distribution centers. Q. Who? 13 13 A. We had outside counsel at one That responsibility would have been on 14 Chris or Kevin Mitchell, depending on the point, Hyman, Phelps & McNamara. 15 time. But I was not directly O. When was that, when you had 16 communicating to the distribution 16 Hyman, Phelps & McNamara help you with 17 formulating DEA guidance? centers. 18 BY MR. POWERS: Α. 2010 and back. 19 19 You say and back, do you mean Q. How did you communicate existing O. DEA rules and regulations to either Chris Belli before 2010? 20 21 or Kevin Mitchell? Yes, yes. And that could give or 22 A. I don't know that I did that on a take. That was just pretty much when we stopped communicating. But we still sent communications ²³ routine basis. I believe they were very well ²⁴ versed in existing DEA rules and regulations. to them, but not like asking questions or Page 59 Page 61 You also mentioned that it was 1 whatever. ² your job to formulate guidance as to the policies Do you know approximately when ³ and procedures regarding DEA compliance; is that ³ you started using Hyman, Phelps & McNamara for 4 guidance -- excuse me, to formulate guidance on 4 right? 5 That is correct. 5 DEA regulations? A. 6 Q. How did you formulate the Α. I don't remember. 7 Q. guidance? Can you give me an approximate 8 A. I would look at a regulation 8 date? ⁹ and/or a proposed rule and say, how would this A. At least 2000. 10 impact Rite Aid. And then if there was a certain 10 O. And who would you talk to at 11 action plan that I thought would work as far as 11 Hyman, Phelps & McNamara about DEA regulations? 12 rolling out the guidance, then I would put a 12 Karla Palmer. A. 13 communication together and say, hello, this is 13 O. Anyone else? 14 the new DEA regulation and this is how I feel we 14 A. Larry Houck. should do something with it. 15 O. Can you spell that last name? 15 Q. What did you rely on when you A. H-O-U-C-K. 16 16 were formulating the guidance? 17 O. Anyone else besides Karla Palmer 18 The -- what had been proposed or 18 and Larry Houck? what had come out, the industry information that 19 A. John Gilbert. it was out there, and my own knowledge. 20 Anyone else? O. 21 Q. Did you ever consult anyone else 21 A. Those were the three main ²² within Rite Aid about formulating guidance 22 individuals. regarding DEA regulations? 23 How did you communicate with Q. 24 Certainly. 24 Hyman, Phelps & McNamara?

	D (2		D (1
1	Page 62	,	Page 64
1 2	A. Either email or a phone call.	1 2	acout an nour any way.
	Q. And you mentioned there was some		MR. POWERS: Sure. That's fine.
3	communication with Hyman, Phelps & McNamara after	3	THE VIDEOGRAPHER: Going off the
4	2010. Right?	4	record at 10:30 a.m.
5	A. There is, yes.	5	
6	Q. What was the nature of that	6	(A recess was taken from
7	communication after 2010?	7	10:30 a.m. to 10:44 a.m.)
8	MS. McENROE: Objection, calls	8	
9	for privileged information. I instruct	9	THE VIDEOGRAPHER: We're back on
10	the witness not to answer.	10	the record at 10:44 a.m.
11	Do you have a more specific	11	BY MR. POWERS:
12	question not seeking privileged	12	Q. Welcome back, Ms. Hart.
13	information? The word "nature" is not	13	Before we took the break, we were
14	specific to not seek privileged	14	talking about a settlement agreement that Rite
15	communications.	15	Aid had had.
16	BY MR. POWERS:	16	Can you explain what that
17	Q. After 2010, how did your or	17	settlement agreement was?
18	how did Rite Aid's relationship with Hyman,	18	A. Rite Aid entered into a
19	Phelps & McNamara change?	19	settlement agreement with the Drug Enforcement
20	A. I would occasionally call them to	20	Administration in 2009.
21	ask them a question. I also communicate with	21	Q. What was the nature of that
22	Karla Palmer in the instance where there is a	22	settlement?
23	prescriber	23	MS. McENROE: Objection to form.
24	MS. McENROE: Hold on nothing	24	THE WITNESS: There are alleged
	Page 63		Page 65
1	substantive. So just in terms of the	1	recordkeeping violations, alleged missing
2	nuts and bolts. That's it.	2	drugs.
3	THE WITNESS: Okay. So I would	3	BY MR. POWERS:
4	send email communications to them or call	4	
5	them.	_	
-	them.	1 5	the discussions that led to that settlement
6	RV MR POWERS:		the discussions that led to that settlement
	BY MR. POWERS:	6	agreement?
7	Q. I'm just trying to understand why	6 7	agreement? A. I did.
7 8	Q. I'm just trying to understand why you gave 2010 as the end date for your	6 7 8	agreement? A. I did. Q. What was the nature of your
7 8 9	Q. I'm just trying to understand why you gave 2010 as the end date for your relationship with Hyman, Phelps & McNamara.	6 7 8 9	agreement? A. I did. Q. What was the nature of your involvement?
7 8 9 10	Q. I'm just trying to understand why you gave 2010 as the end date for your relationship with Hyman, Phelps & McNamara. How come you used 2010 as the	6 7 8 9 10	agreement? A. I did. Q. What was the nature of your involvement? MS. McENROE: Objection to form.
7 8 9 10 11	Q. I'm just trying to understand why you gave 2010 as the end date for your relationship with Hyman, Phelps & McNamara. How come you used 2010 as the date that you ended the relationship, but it	6 7 8 9 10 11	agreement? A. I did. Q. What was the nature of your involvement? MS. McENROE: Objection to form. Also, just careful caution
7 8 9 10 11 12	Q. I'm just trying to understand why you gave 2010 as the end date for your relationship with Hyman, Phelps & McNamara. How come you used 2010 as the date that you ended the relationship, but it seems like you communicate after 2010 with Hyman,	6 7 8 9 10 11 12	agreement? A. I did. Q. What was the nature of your involvement? MS. McENROE: Objection to form. Also, just careful caution here and I know it originally came up
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7 8 9 10 11 12 13	Q. I'm just trying to understand why you gave 2010 as the end date for your relationship with Hyman, Phelps & McNamara. How come you used 2010 as the date that you ended the relationship, but it seems like you communicate after 2010 with Hyman, Phelps? A. They were primarily our counsel	6 7 8 9 10 11 12 13	agreement? A. I did. Q. What was the nature of your involvement? MS. McENROE: Objection to form. Also, just careful caution here and I know it originally came up in the context of privileged information and communication with counsel.
7 8 9 10 11 12 13 14 15	Q. I'm just trying to understand why you gave 2010 as the end date for your relationship with Hyman, Phelps & McNamara. How come you used 2010 as the date that you ended the relationship, but it seems like you communicate after 2010 with Hyman, Phelps? A. They were primarily our counsel prior to that time. And then at that point we	6 7 8 9 10 11 12 13 14	agreement? A. I did. Q. What was the nature of your involvement? MS. McENROE: Objection to form. Also, just careful caution here and I know it originally came up in the context of privileged information and communication with counsel. I caution you not to discuss
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7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. I'm just trying to understand why you gave 2010 as the end date for your relationship with Hyman, Phelps & McNamara. How come you used 2010 as the date that you ended the relationship, but it seems like you communicate after 2010 with Hyman, Phelps? A. They were primarily our counsel prior to that time. And then at that point we had a settlement agreement and they worked us through the settlement agreement. And then our counsel went to another firm. Q. What was the firm after Hyman, Phelps & McNamara?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. I did. Q. What was the nature of your involvement? MS. McENROE: Objection to form. Also, just careful caution here and I know it originally came up in the context of privileged information and communication with counsel. I caution you not to discuss anything you discussed with counsel or you learned from counsel. THE WITNESS: Okay. For the settlement agreement, I had obtained documents, looked at the
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. I'm just trying to understand why you gave 2010 as the end date for your relationship with Hyman, Phelps & McNamara. How come you used 2010 as the date that you ended the relationship, but it seems like you communicate after 2010 with Hyman, Phelps? A. They were primarily our counsel prior to that time. And then at that point we had a settlement agreement and they worked us through the settlement agreement. And then our counsel went to another firm. Q. What was the firm after Hyman, Phelps & McNamara? A. Morgan Lewis.	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I did. Q. What was the nature of your involvement? MS. McENROE: Objection to form. Also, just careful caution here and I know it originally came up in the context of privileged information and communication with counsel. I caution you not to discuss anything you discussed with counsel or you learned from counsel. THE WITNESS: Okay. For the settlement agreement, I had obtained documents, looked at the records based on the allegations of the
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. I'm just trying to understand why you gave 2010 as the end date for your relationship with Hyman, Phelps & McNamara. How come you used 2010 as the date that you ended the relationship, but it seems like you communicate after 2010 with Hyman, Phelps? A. They were primarily our counsel prior to that time. And then at that point we had a settlement agreement and they worked us through the settlement agreement. And then our counsel went to another firm. Q. What was the firm after Hyman, Phelps & McNamara? A. Morgan Lewis. THE WITNESS: May we take a	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I did. Q. What was the nature of your involvement? MS. McENROE: Objection to form. Also, just careful caution here and I know it originally came up in the context of privileged information and communication with counsel. I caution you not to discuss anything you discussed with counsel or you learned from counsel. THE WITNESS: Okay. For the settlement agreement, I had obtained documents, looked at the records based on the allegations of the Drug Enforcement Administration and

Page 66 1 visited various stores to look for computer-based training. We enhanced our 2 records. I met with various AUSAs to DEA store checklist. 3 provide records with outside counsel. BY MR. POWERS: BY MR. POWERS: Q. Anything else? 5 Was there anything else in the There could be more, I just don't Α. settlement agreement beyond recordkeeping remember. violations? O. As a result of the 2009 8 MS. McENROE: Objection to form. settlement, did Rite Aid make any changes with THE WITNESS: There were regards to its operations as a controlled 9 10 substance distributor? allegations of medications lost or 11 MS. McENROE: Objection to form. 11 medications that weren't accounted for. 12 12 THE WITNESS: We did not. The That was the other part of my 13 recollection of it. 13 Rite Aid distribution center was not BY MR. POWERS: 14 involved in the settlement agreement. 14 15 Anything else? BY MR. POWERS: O. 16 MS. McENROE: Objection to form. Q. I think you mentioned -- you 17 THE WITNESS: There could be referred to it as a counting on a quarterly basis 18 more, I just don't remember. of hydrocodone. BY MR. POWERS: What does that mean? 19 20 20 Q. Did the settlement agreement have A. That means that every quarter Rite Aid would count the hydrocodone that we had ²¹ any allegations regarding Rite Aid knowingly on our shelves and balance it to make sure that ²² filling prescriptions for controlled substances ²³ that were not issued for legitimate medical the inventory was correct. 24 purposes? When you say on the shelves, you Page 67 Page 69 MS. McENROE: Objection to form. 1 ¹ mean on the shelves at the individual pharmacies? THE WITNESS: It did. 2 2 In the stores, yes. 3 BY MR. POWERS: What is the DEA computer-based training that you referred to earlier? Q. In your role as the director of 4 It is training for pharmacists the government affairs office in 2009, did you make any changes as a result of that 2009 6 to -- in all aspects of DEA guidance related to settlement with the Department of Justice? ⁷ 222 Forms, everything that -- what to look for 8 MS. McENROE: Objection to form. ⁸ for a prescription. Everything that would be 9 THE WITNESS: Rite Aid had been required. 10 making changes up to the settlement 10 Q. And that DEA computer-based agreement. Part of the settlement training, was that only for the individual Rite 11 12 agreement was counting of hydrocodone and Aid stores? 13 acetaminophen on a quarterly basis. We 13 MS. McENROE: Object to the form. implemented the MethCheck system in our 14 14 THE WITNESS: It was. 15 stores. 15 BY MR. POWERS: 16 But prior to the 2009 settlement, 16 Q. So we were talking earlier about we had put in a comprehensive program. resources outside of Rite Aid that you used in 17 And that program continues to evolve. your position in government affairs to formulate 18 19 BY MR. POWERS: 19 guidance on DEA regulations. Right? 20 20 Q. Let me specify my question. Α. Correct. 21 As a direct result of the 2009 21 And you mentioned outside O. 22 settlement, what changes were made at Rite Aid? ²² counsel, which we've talked about. 23 MS. McENROE: Objection to form. Is there anyone else outside of 24 THE WITNESS: We updated our DEA ²⁴ Rite Aid that you used to formulate guidance

Page 70 ¹ about DEA regulations? 1 centers as far as their compliance. So 2 2 I would utilize trade groups. we did an overall view of our entire 3 Which trade groups? O. 3 processes. 4 The National Association of Chain BY MR. POWERS: Α. ⁵ Drug Stores, the individual state associations. When you say "we" in your Maryland Association of Chain Drug Stores. There previous answer, who are you referring to? ⁷ are retail groups or -- in each of the states Jim Krahulec, myself, pharmacy 8 that would work on legislation or regulation and operations. formulate information in how it should be rolled Q. Who from pharmacy operations? 10 out. 10 A. It would have been Scott Jacobson 11 Besides those trade groups you 11 or Mike Podgurski. Q. just mentioned, anything else? Any other parties 12 How did you do your review of the Q. 13 or organizations outside of Rite Aid that you 13 policies and procedures that were in place? used to formulate guidance about controlled 14 We looked at issues that had come substances in Rite Aid? in from various state inspection notices. If 16 The National Association of there was a recordkeeping allegation from a state Α. board of pharmacy, we looked at those and 17 Boards of Pharmacy. 18 Did you ever consult guidance determined what some of the more prevalent ones from the Healthcare Distributors Alliance, the were, ones that we were seeing at that point. 19 HDA? 20 And then we developed different tools that our 21 Never. pharmacists could use to organize recordkeeping Α. 22 Q. How about the HDMA, I believe is and maintain proper compliance. 23 the prior name? You also said you looked at the 24 organization in your stores, what did you mean by A. No. Page 71 Page 73 So besides outside counsel and 1 1 that? ² the trade groups you mentioned, did you rely on What we were finding was that one ³ any other outside individuals or groups to help store would keep invoices in one location in one 4 you formulate guidance about the rules and 4 drawer and the other store would keep them in the ⁵ regulations surrounding controlled substances? ⁵ back room with other documentation. And it was 6 A. Not that I can recall. 6 not -- there was not consistency throughout. So 7 ⁷ at that point then, we developed a DEA Q. To be clear, this is for the entire time that you were working in the 8 recordkeeping box that we sent to the store on a government affairs office between 1995 and 2006? yearly basis where there are specific folders for 10 A. 10 all of the required DEA documents. So that in 11 Q. And your answer is the same? 11 every store, all the documents are in one place 12 and can be located. A. Yes. 13 O. When you started in the 13 O. Is that a physical box you -government affairs office in 1995, what efforts 14 It's a physical box, yes. did you make to make sure that Rite Aid was in 15 You also said that you looked at compliance with the current and existing the distribution centers as far as their 16 regulations regarding controlled substances at 17 compliance. 18 that point? 18 What do you mean by that? 19 MS. McENROE: Objection to form. 19 A. I mean, we looked at the 20 You may respond. distribution centers from the standpoint of was 21 THE WITNESS: We reviewed the the cage secure, were there good security

policies and procedures that were in

stores. We looked at distribution

place. We looked at organization in our

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policies and procedures in place. Were there

working. Were the SOPs correct.

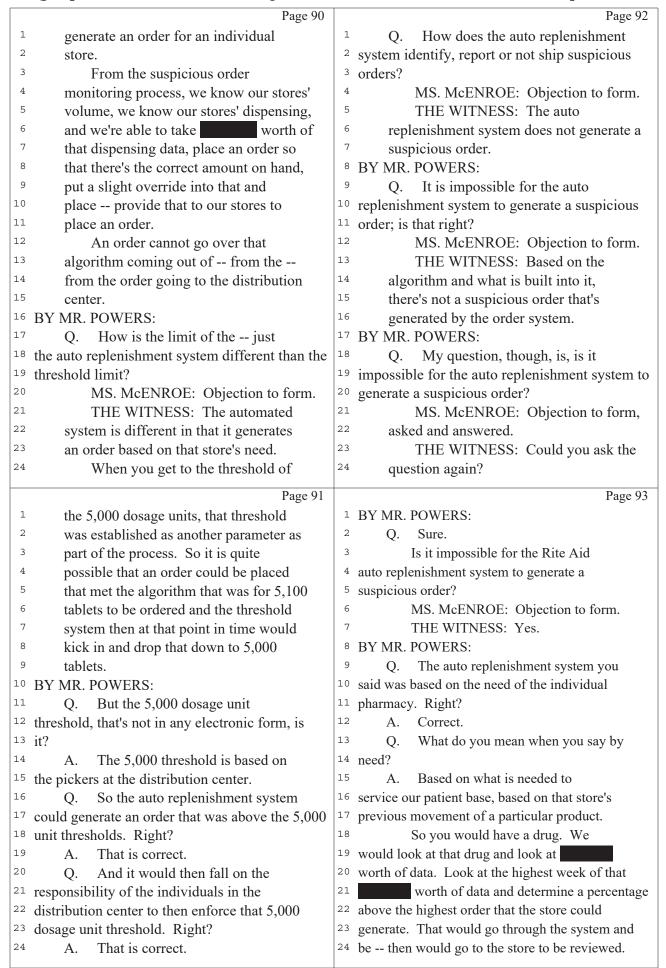
criminal background checks. Was the alarm system

Page 74 1 consulted about the policies and procedures 1 How did you determine whether the SOPs were correct? ² regarding the distribution of controlled 3 I got together with logistics, ³ substances? 4 and we had a discussion and went through that, Α. Back in the -- when I first came, through the SOPs. 1995, Jim Krahulec was well versed. And he was And logistics, that would have my mentor, so I learned a lot from him as well. Q. been Chris Belli or Kevin Mitchell? Q. Did you ever update your 8 Yes. understanding of what was required under the A. Did you do a periodic review of Controlled Substances Act or other regulations 9 O. the SOPs for the distribution centers? 10 regarding controlled substances? 11 A. I did not. They were done by our 11 MS. McENROE: Objection to form. IA team, internal assurance team, and by the 12 THE WITNESS: Can you repeat the logistics Chris Belli/Kevin Mitchell team. 13 question? 14 Q. And, sorry, we've been saying BY MR. POWERS: 14 SOPs. We should be clear for the record. 15 15 Sure. O. 16 We're talking about standard 16 Besides when you started in the operating procedures? government affairs office in 1995, what other 17 18 A. Correct. actions did you take to familiarize yourself with 19 Before you reviewed the company's the rules and regulations regarding the O. 20 SOPs for compliance, how did you familiarize distribution of controlled substances? yourself with what was required from a compliance A. I would attend various perspective? conferences throughout the country to attain 23 MS. McENROE: Objection to form. 23 knowledge. 24 THE WITNESS: I was pretty Besides the conferences, what O. Page 75 Page 77 familiar in my role as the PDM, pharmacy ¹ else did you do to familiarize yourself with the 1 2 district manager, in my role as the ² rules and regulations surrounding the 3 pharmacy division manager with compliance distribution of controlled substances? with DEA rules and regulations. From the A. That was pretty much it. 4 5 standpoint of, that was -- at that point, Did you do any periodic review of O. 6 the Rite Aid policies and procedures regarding 6 you were also responsible for that in the 7 ⁷ distribution during your time in the government stores. affairs office? 8 From the distribution side, it 9 was sort of a read and learn and I may have. That responsibility 10 understand the rules and regulations. to put those into the distribution center rested with Chris and Kevin to work with the SOPs. That BY MR. POWERS: 12 So you just read the rules was their primary responsibility. yourself regarding the rules and regulations 13 Q. So it's your testimony that the about dispensing controlled substances; is that logistics department was primarily responsible 15 right? for the Rite Aid policies regarding compliance with the rules and regulations about the 16 Or I'd interact with the industry ¹⁷ leaders to have discussions about what they were distribution of controlled substances; is that doing, the different best practices that were out 18 right? 19 19 there. MS. McENROE: Objection. 20 Who were the industry leaders you 20 THE WITNESS: They were the O. 21 experts of logistics and what went on at 21 interacted with? 22 22 People at NACDS, people at the the distribution centers. So, yes, they Maryland Association of Chain Drug Stores. were responsible for the SOPs. I myself 23 24 Anyone else at Rite Aid that you 24 would coordinate with them to review the Q.

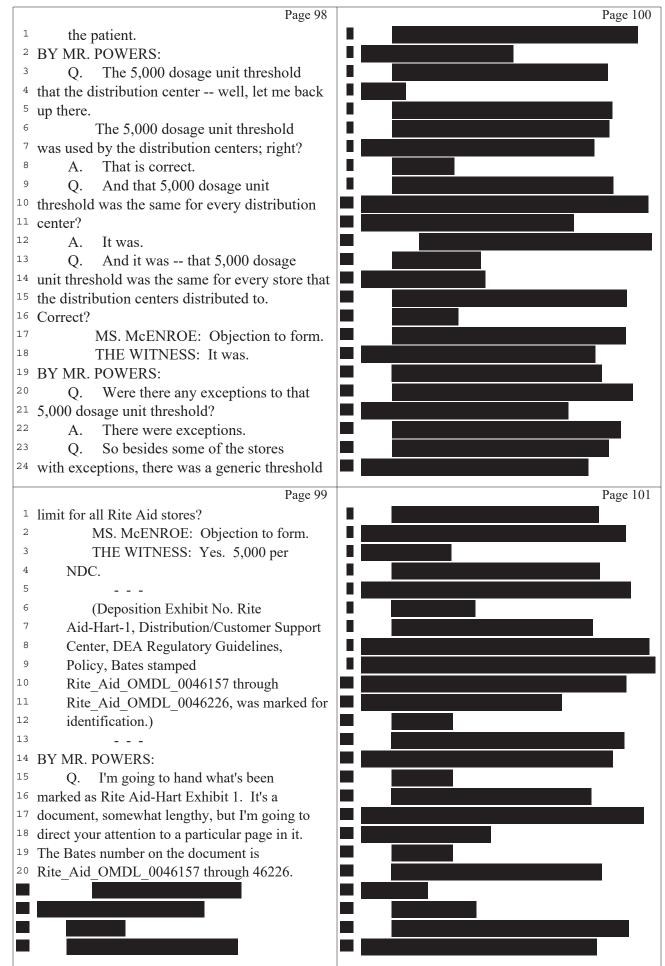
Page 78 MS. McENROE: Objection to form. 1 SOPs and determine if they were correct. 1 THE WITNESS: I do not. ² BY MR. POWERS: Q. In determining whether those SOPs BY MR. POWERS: ⁴ were correct, what did you rely on? Q. During your time in the DEA rule and regulation, various government affairs office, did you implement any new procedures or policies regarding the 6 industry resources. ⁷ distribution of controlled substances by Rite Q. Did anyone else at Rite Aid help you determine whether those regulations were Aid? 9 correct? MS. McENROE: Objection. 10 10 A. Mr. Krahulec in the beginning. THE WITNESS: I myself did not 11 And then once I had a better knowledge base, 11 implement any policies and procedures for primarily myself. 12 the distribution of controlled 13 Q. And you mentioned that you went 13 substances. The logistics team may have 14 to some conferences about the rules and 14 done that, something I was not aware of. regulations regarding controlled substance 15 But I myself did not implement any. ¹⁶ distribution. BY MR. POWERS: 17 17 What were those conferences? Q. Do you know if the logistics team 18 A. I went to a DEA conference, a implemented any new policies or procedures pharmacy diversion awareness conference where regarding the distribution of controlled 19 that was discussed. substances during your time in the government 20 21 So various DEA conferences. affairs office? 22 22 Q. When you say DEA conferences, are MS. McENROE: Objection. you talking about conferences put on by the DEA? THE WITNESS: I believe they did. 24 A. Yes. 24 BY MR. POWERS: Page 79 Page 81 And you also mentioned a 1 What were those procedures, new diversion awareness conference. procedures and policies? 3 What was that? A lot around implementing upgraded camera systems, upgrading cages, 4 That was the DEA also. A. 5 Do you remember how many DEA upgrading picking directions. O. 6 conferences you actually attended? O. Anything else? 7 Those are the ones that come to From 1995 to present? A. A. 8 Q. Yes. mind. 9 12, 15. When you say "upgrading picking A. And before you started working in 10 O. directions," what do you mean by that? There were various pick machines 11 the government affairs office, do you know how 12 Rite Aid ensured compliance with the rules and that were in the distribution center. And in 13 regulations regarding the distribution of order to be -- have orders more accurate, they controlled substances? would develop upgrades to those machines so that MS. McENROE: Objection to form. 15 the actual people that pick the product in the DC THE WITNESS: Could you state had a much easier job. 16 16 17 17 that again? And you said it was possible that the logistics department implemented policies and 18 BY MR. POWERS: 19 procedures for the distribution centers that you 20 Before you started working in the were not aware of; is that right? government affairs office, do you know how Rite 21 A. That is correct. ²² Aid ensured compliance with the rules and Did the logistics department have ²³ regulations regarding the distribution of 23 to get your approval or -- let me phrase that a ²⁴ controlled substances? ²⁴ different way.

Page 82 Page 84 1 Did the logistics department have 1 office? ² to get government affairs department approval MS. McENROE: Objection to form. ³ before implementing a new policy or procedure at THE WITNESS: I read the SOPs and 4 the distribution centers? reviewed the policies and procedures and 5 MS. McENROE: Objection to form. 5 became aware of the different aspects of the suspicious order monitoring program. 6 THE WITNESS: Typically they 7 BY MR. POWERS: would get approval, yes. 8 BY MR. POWERS: 8 Did the suspicious order monitoring program change at all between when you 9 Was it required? Q. first became aware of it and when Rite Aid 10 MS. McENROE: Objection to form. stopped distributing controlled substances? 11 THE WITNESS: I don't know that 12 MS. McENROE: Objection to form. 12 it was required. That was just our 13 13 THE WITNESS: It did change. process. BY MR. POWERS: BY MR. POWERS: 14 15 And Rite Aid distributed 15 How did it change? O. We added another -- a component 16 16 controlled substances up until late 2014. of -- we had an asset protection that would 17 Correct? 18 Α. That's correct. monitor part of our suspicious order monitoring 19 O. program. And we upgraded and updated asset And the products that Rite Aid protection monitoring of our -- portion of our distributed included hydrocodone combination products. Right? suspicious order monitoring program. 22 22 A. That is correct. Q. When did that happen? 23 23 O. When Rite Aid was distributing I would say around 2010. ²⁴ controlled substances -- actually, let me back up And what was the nature of that Page 83 Page 85 ¹ a second here. ¹ upgrade? When we're talking about Rite Α. We got a new computer system that ³ Aid's distribution, can we agree that we're just asset protection used to -- for the detection of 4 talking about the time period up until late 2014 ⁴ theft and diversion called NaviScript/NaviCase. ⁵ when Rite Aid was distributing controlled ⁵ And that particular system had a series of key 6 substances? performance indicators that were monitored by 7 asset protection. Those key performance A. Yes. Okay. When Rite Aid was 8 indicators were previously monitored by another O. distributing controlled substances, did Rite Aid system, but this was just an upgraded system. 10 have a suspicious order monitoring program? 10 What was the previous system that 11 We did. 11 monitored the KPIs? 12 When has that suspicious order 12 That was an internal system in monitoring program been in place since? asset protection. I don't know the name of it. 13 13 The suspicious order monitoring And the NaviCase/NaviScript program has been in place since 1995, when -system you just talked about, that was to monitor that I became aware of it. It could have been in theft of controlled substances. Right? 16 17 17 place prior to that, but... MS. McENROE: Objection, form. 18 To the best of your knowledge, 18 THE WITNESS: That was to monitor the suspicious order monitoring program was in 19 theft, but the other key performance place from 19 -- at least 1995 until 2014? 20 indicators also monitored ordering, cycle 21 21 counts. There were 90 KPIs. A. Yes. 22 How did you familiarize yourself 22 BY MR. POWERS: ²³ with the suspicious order monitoring program when What do you mean by cycle counts? Q. ²⁴ you first started in the government affairs 24 A cycle count is when a A.

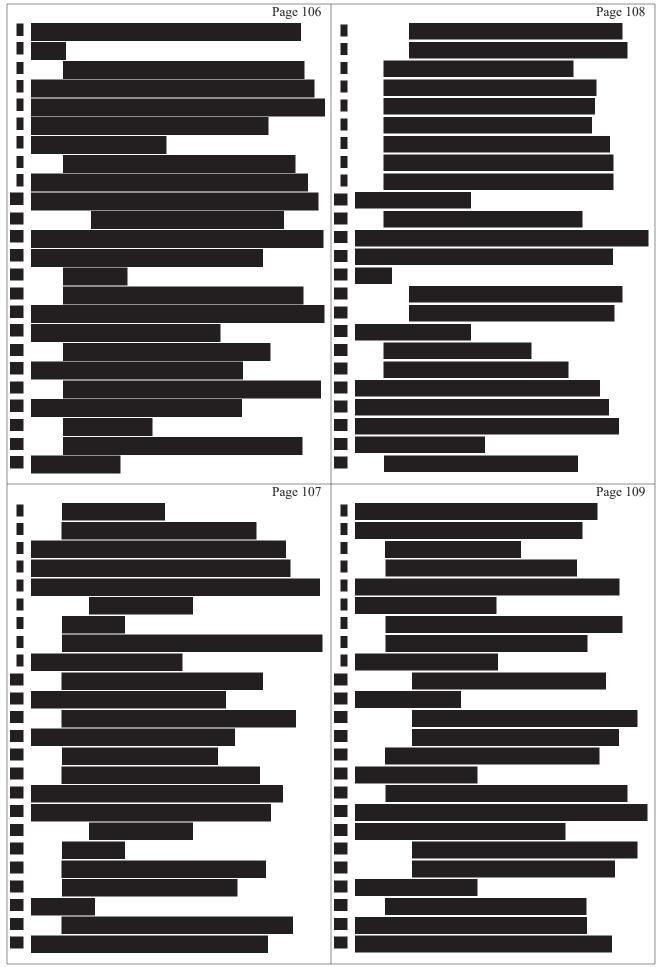
Page 86 1 pharmacist in a store goes into the system and 1 MS. McENROE: Objection to form. 2 says that we have -- they have 96 tablets on the 2 THE WITNESS: That was one of the ³ shelf. And what happens is the system says 3 components. 4 they're supposed to have 100. And they count 4 Oops, sorry. 5 down to 96 and say, okay, I now have 96 instead BY MR. POWERS: 6 of the 100. And the thresholds were set at Q. Did the NaviScript/NaviCase 5,000 dosage units, 5,000 dosage units for each 8 system keep track of the inventory at the national drug code. Right? distribution centers? MS. McENROE: Objection to form. 10 MS. McENROE: Objection to form. 10 THE WITNESS: 5,000 dosage units THE WITNESS: Can you phrase the 11 11 per each NDC per order. 12 question differently? 12 BY MR. POWERS: BY MR. POWERS: 13 13 Q. Per order. 14 Q. It sounds to me like you were 14 And when you say "per order," talking about the NaviScript/NaviCase system with that's per order by each individual pharmacy. regards to the individual stores. Right? Right? 17 A. 17 Yes. A. Yes. 18 O. Did the NaviScript/NaviCase 18 Q. And you said the thresholds was system have any functionality with regards to the one component of the suspicious order monitoring 19 distribution centers? 20 system. 21 21 MS. McENROE: Objection to form. What were the other components? 22 22 THE WITNESS: The Navi system Another component was our A. 23 from a distribution standpoint, it did ordering process and an algorithm that was 24 not maintain inventory, but it maintained established by Rite Aid to submit orders to the Page 87 Page 89 1 order data from the distribution center ¹ distribution center from our corporate office, ² based on an individual store's movement. 2 to the stores. ³ BY MR. POWERS: The ordering process you're talking about there, is that the auto Q. So the Navi -- you said the Navi system could see what was being sent from the replenishment system? distribution center to the individual stores; is It is. A. that right? So the auto replenishment system O. 8 is part of your suspicious order monitoring A. Yes. 9 program? Do you know who designed Rite Aid's suspicious order monitoring system 10 A. It is. originally? 11 How long has the auto O. 12 replenishment system been in place for? A. I do not. 12 13 Did you personally make any 13 As far back as I know, as I can Α. changes to the Rite Aid suspicious order recall. monitoring program? 15 15 O. Even as your time as a pharmacist? 16 MS. McENROE: Objection to form. 16 17 17 THE WITNESS: I don't recall A. I don't know that. 18 making any changes. From my perspective, 18 Q. But -again, I may have reviewed some changes 19 19 A. Definitely since 1995. 20 that logistics were doing, but I myself, 20 How is the auto replenishment O. 21 I don't recall making any changes. system used in the Rite Aid suspicious order 22 BY MR. POWERS: monitoring system? 23 Q. That suspicious order monitoring MS. McENROE: Objection to form. system that Rite Aid had used thresholds. Right? THE WITNESS: It is utilized to

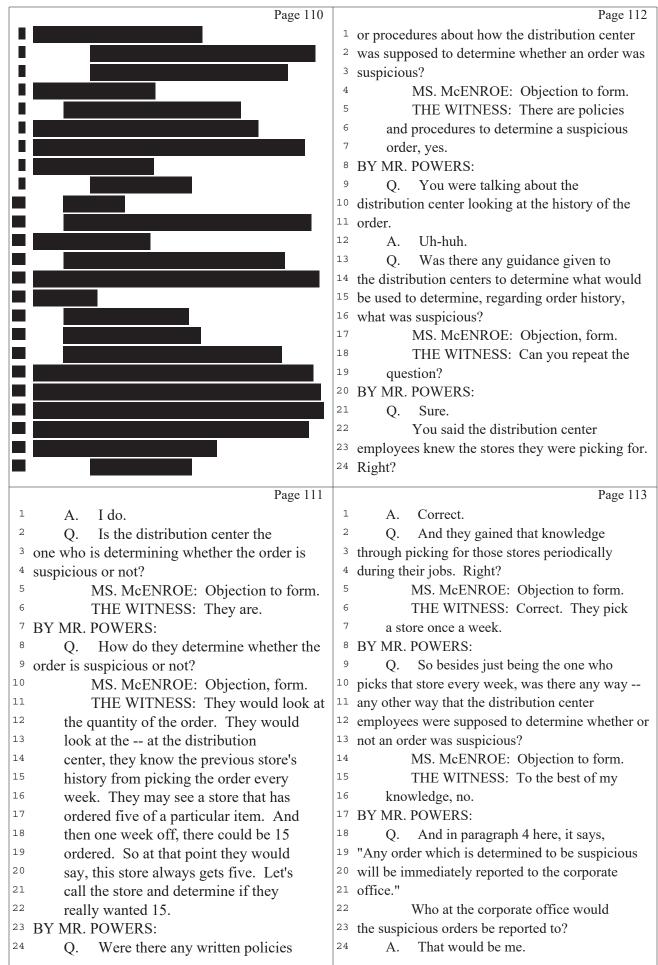


Page 94 1 And the data you're talking 1 the prescription to make sure that it is for a about, that is dispensing data. Right? ² valid medical reason. Dispensing data. What are the various elements of Α. 4 the prescription to make sure that it is valid --4 And the dispensing data is simply Q. the amount of product that was sold at that 5 to make sure that it is valid for a medical particular Rite Aid location. Right? 6 reason? 7 MS. McENROE: Objection to form. Α. You need to know the patient, 8 THE WITNESS: The amount of does the pharmacist know the patient. You need to know the prescriber, is the prescriber known 9 product that was dispensed to our to the patient. You would look at, as far as a 10 patients, yes. BY MR. POWERS: 11 red flag, what is the distance between the 11 Q. So the auto replenishment system patient and the prescriber. 12 13 doesn't look at who is writing the prescriptions You would look at the original for those patients? 14 hard copy prescription that's presented to you to MS. McENROE: Objection to form. determine, does it look like it's a forgery. Is 15 there watermarks on it or something that would 16 THE WITNESS: It does not. identify it as a fraudulent prescription. BY MR. POWERS: 18 It doesn't look at the amount of You would look at the particular controlled substances as opposed to the amount of type of prescription and prescriber to make sure 19 noncontrolled substances at that Rite Aid that it was a proper prescription. Then you could -- and if all of those were met, then at location. Right? 22 MS. McENROE: Objection to form. 22 that point the pharmacist would make the decision 23 THE WITNESS: It does not, but to dispense the prescription. 24 the asset protection KPIs would look at How about payment in cash, was Page 95 Page 97 ¹ that a red flag of diversion? 1 that. It could be. BY MR. POWERS: 3 The auto replenishment system Does the auto replenishment system look at any of the red flags of diversion doesn't do anything to determine the medical need for the individual patients, does it? you just discussed in your previous answer? MS. McENROE: Object to form. MS. McENROE: Objection to form. 6 THE WITNESS: It does not. THE WITNESS: It does not. 7 8 BY MR. POWERS: Sorry. BY MR. POWERS: Q. So if those red flags of 9 10 Q. Have you ever heard of the term diversion that we just talked about were "red flags of diversion"? occurring, forged prescriptions, paying in cash, 12 MS. McENROE: Objection to form. things like that, the auto replenishment system THE WITNESS: I've heard of the would not have any way of detecting that. Right? 13 14 MS. McENROE: Objection to form. term "red flags." 15 BY MR. POWERS: THE WITNESS: It would not. 15 BY MR. POWERS: 16 Q. What is your understanding of the 16 term "red flags"? 17 17 Q. You also talked about the auto 18 Red flags is when dispensing a replenishment system relying on of data. controlled substance prescription, a pharmacist 19 Is that just the dispensing data? ²⁰ has a corresponding responsibility to make sure 20 Yes. A. 21 that the prescription is dispensed for a valid 21 And that's just purely the volume Q. ²² medical need in the course of the usual practice 22 of product dispensed. Right? MS. McENROE: Objection to form. 23 of the prescription. The pharmacist is to review 23 24 the prescription and look at various elements of 24 THE WITNESS: Yes. Dispensed to









Page 114 Page 116 1 Were any suspicious orders ever ¹ factors based on? O. reported to you at the corporate office? Based on my knowledge of the There were none reported to me. ³ industry, based on my years of experience having A. 4 dealt with the DEA for a period of -- for a long And to be clear, you never Q. ⁵ received a report of a suspicious order your ⁵ period of time, and knowing how to review a store entire time working in the corporate office from 6 as far as its book of business, going way back to ⁷ even my days as the pharmacy district manager in 1995 through 2018. Correct? 8 8 the Baltimore market. I did not. A. Going down to paragraph 5, it But to be clear, you never had to O. ¹⁰ says, if a suspicious order is reported to make the decision whether to ship or not ship ¹¹ corporate, the corporate government affairs will because you never received any report of a determine whether to "ship" or "do not ship." suspicious order. Right? 13 Do you see that? 13 A. That is correct. 14 14 I do. And going down to paragraph 6, it Α. says, "All discussions, investigations and 15 And this is the same corporate O. reports will be maintained in the file designated office that we just referred to, the government 16 affairs office. Right? 'Suspicious Orders.'" 17 18 A. That is correct. 18 Do you see that? 19 19 I do. O. So that would be you? A. 20 20 That would be me. Am I correct to assume that there A. O. 21 How would you make the was no file designated suspicious orders because Q. 22 determination of whether to ship or not ship? there were no suspicious orders? 23 23 There would be a number of You are correct. ²⁴ factors that would come into play. The very Who would keep that file, if O. Page 115 Page 117 ¹ first factor that I would look at is if it was an ¹ there was one? ² auto ship order, that it came through the Our office would maintain a file. ³ algorithm and that was what the algorithm And there would be a file maintained at the ⁴ provided. That would be a key one. individual distribution center.

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5 A second one would be to look at 6 the size of the order, to determine if the ⁷ unusual size of it was due to something at the pharmacy that was placing the order, if there was something unusual happening at that pharmacy.

O. Anything else you would look at?

That would be it. Α.

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Was there any written policy or Q. procedure about how to make that decision about whether to ship or not ship? 15

To the best of my knowledge, no. A.

So the factors you just testified 16 about that you would use to determine whether to ship or not ship, those were just ones that you yourself personally came up with. Right? 19 20 A. Yes.

21 MS. McENROE: Objection to form. 22 THE WITNESS: Sorry.

23 BY MR. POWERS:

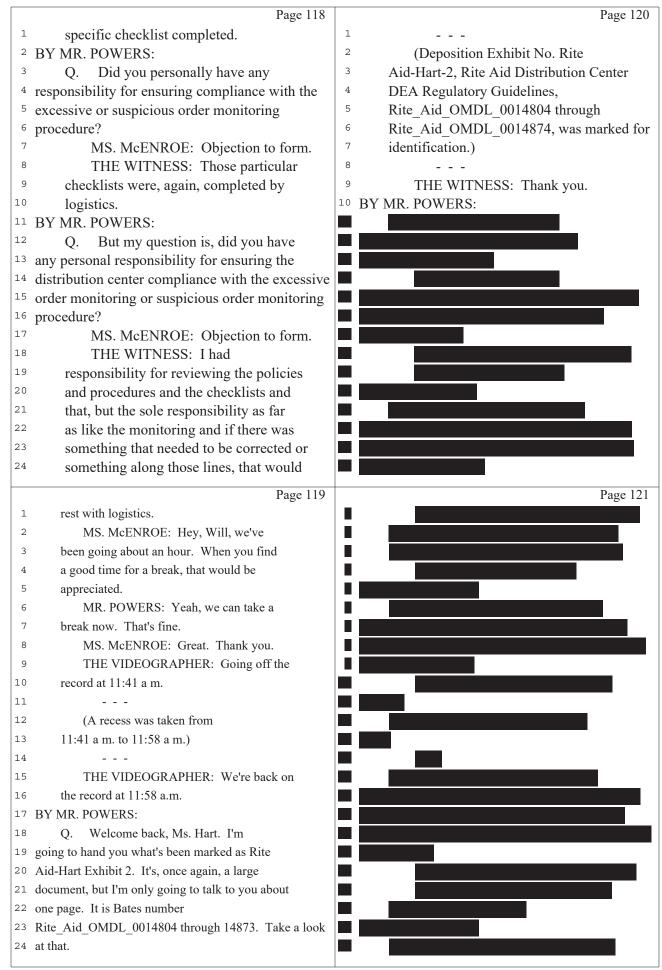
What were those based on, those

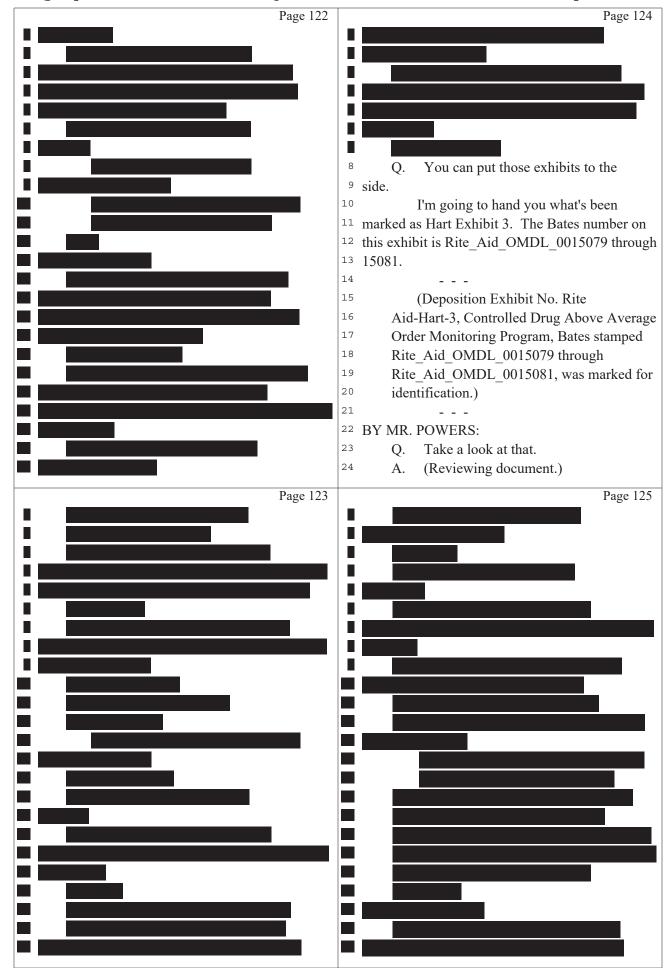
How did you ensure that the

policy we just talked about in Exhibit 1 reflected on page 46179 was followed at the distribution centers?

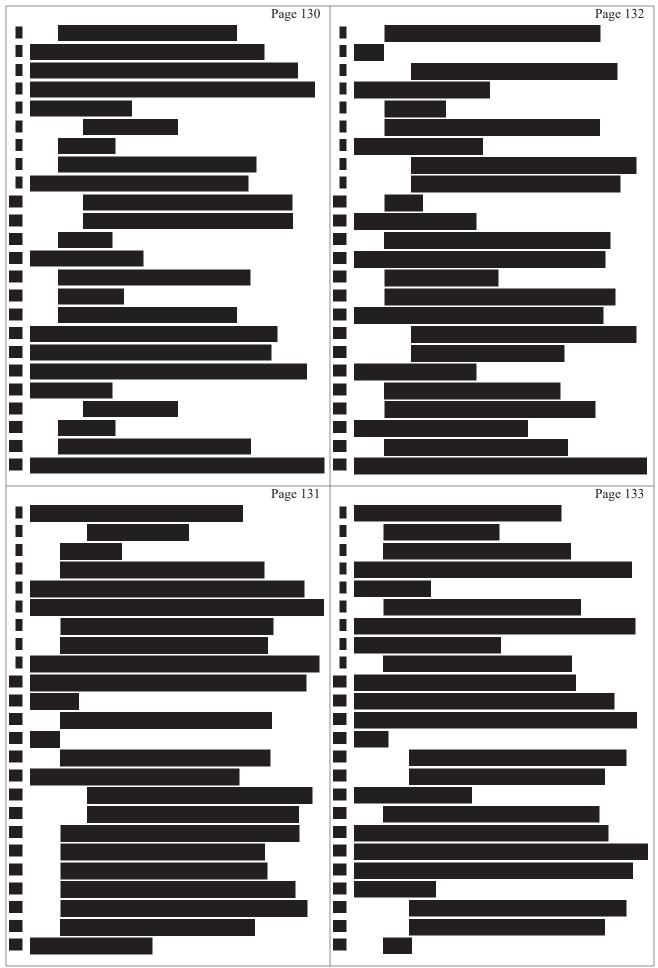
MS. McENROE: Objection to form. THE WITNESS: The distribution center has constant monitoring. They have audits completed by our internal audit group and by asset protection, and by logistics and transportation, where there are individual groups that go into each of the distribution centers once a year on behalf of Rite Aid and have a checklist of compliance to review at the distribution centers.

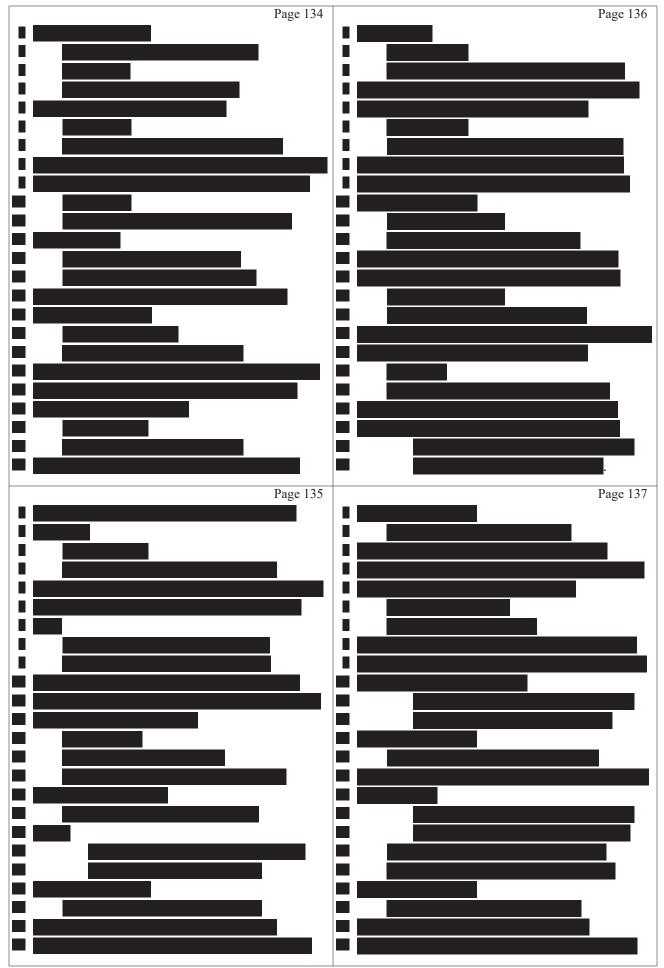
So there is a review done to make sure that the processes are being followed related to suspicious orders, security. All of the policies and procedures are reviewed and there is a

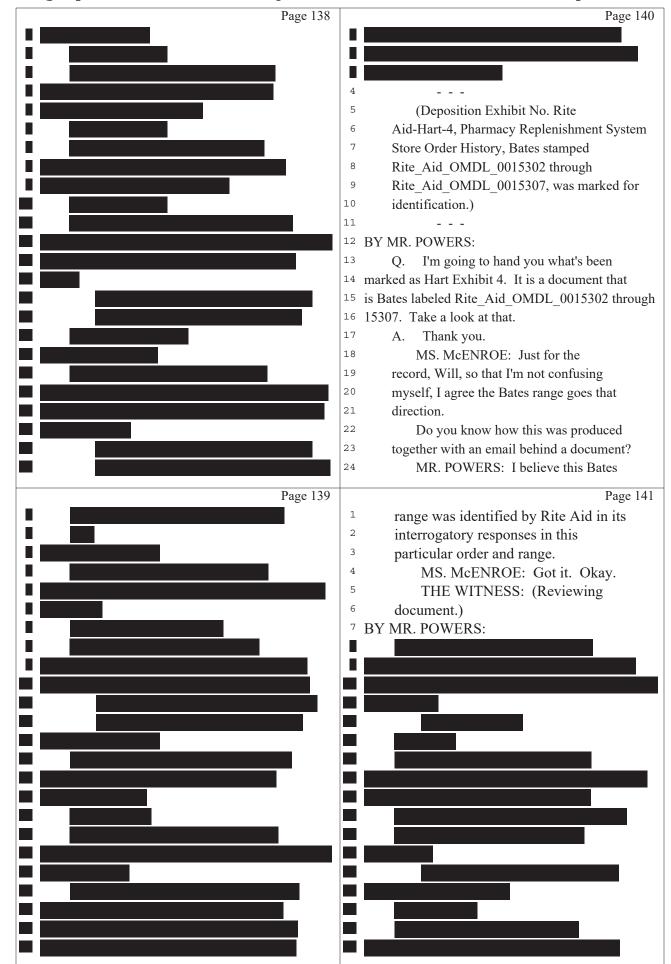




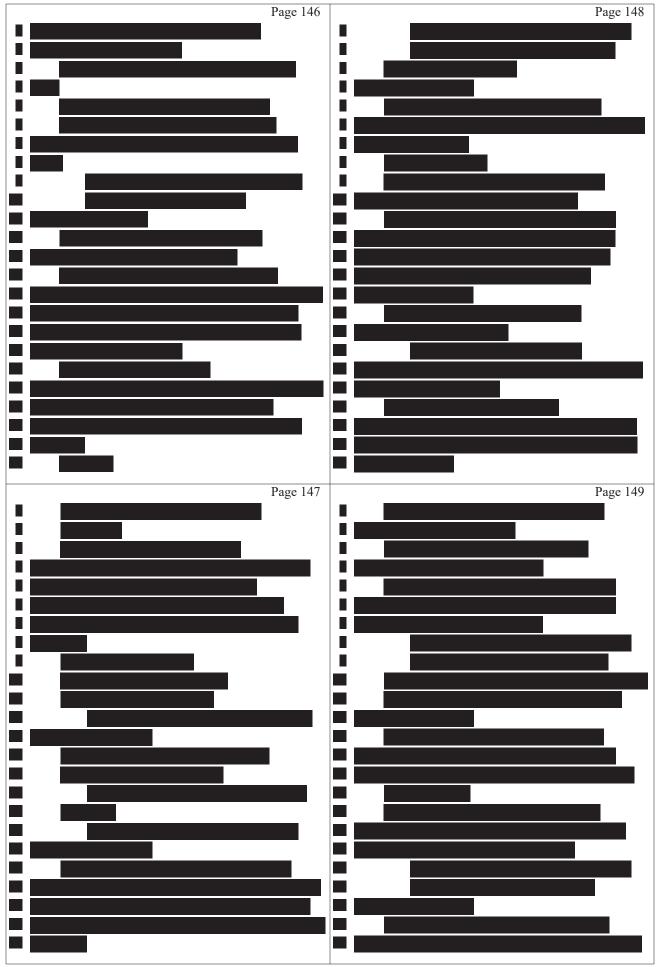


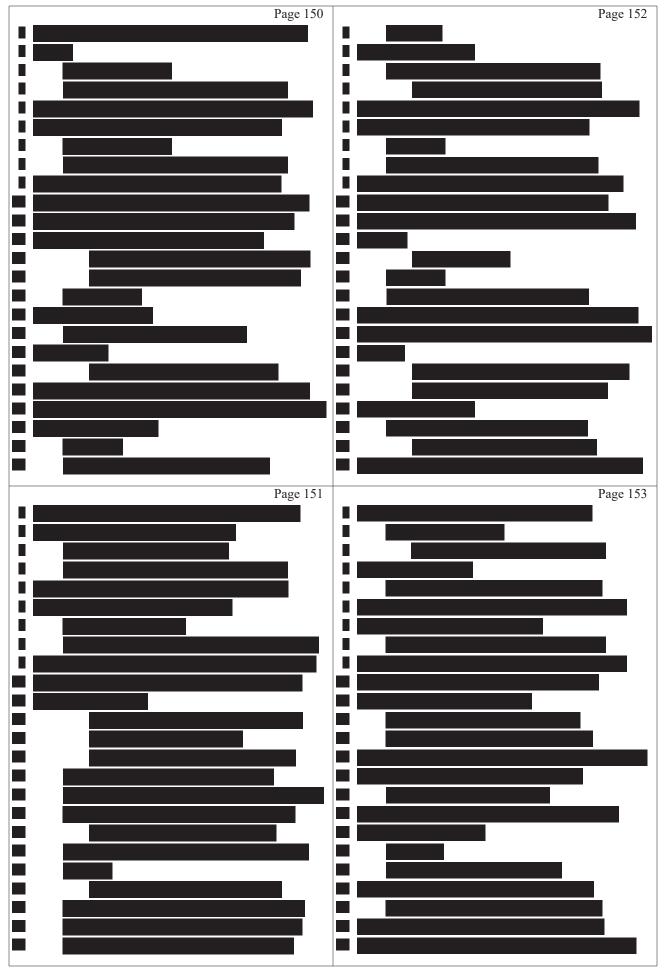


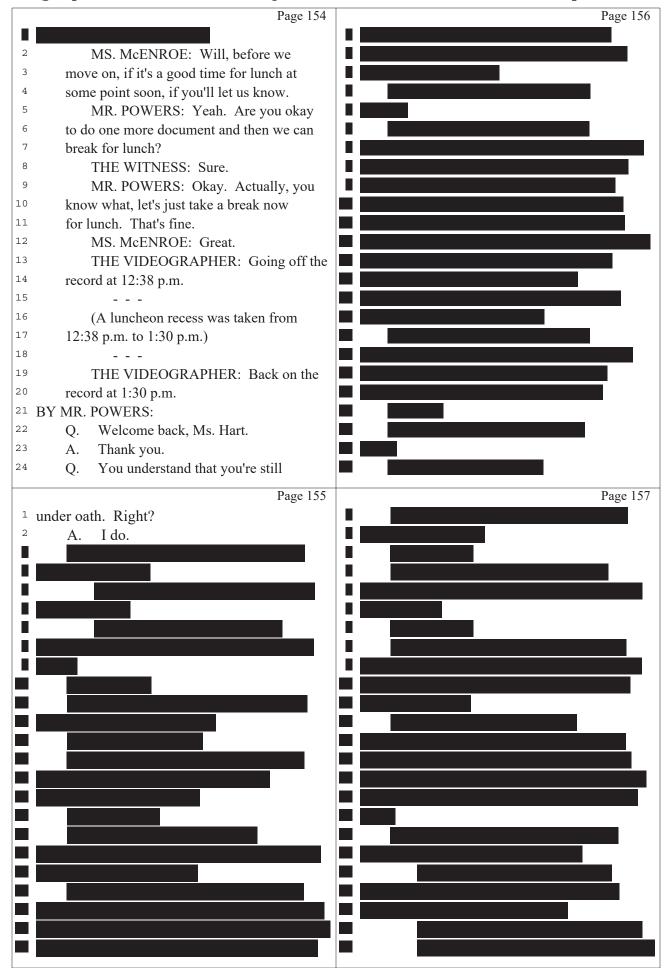


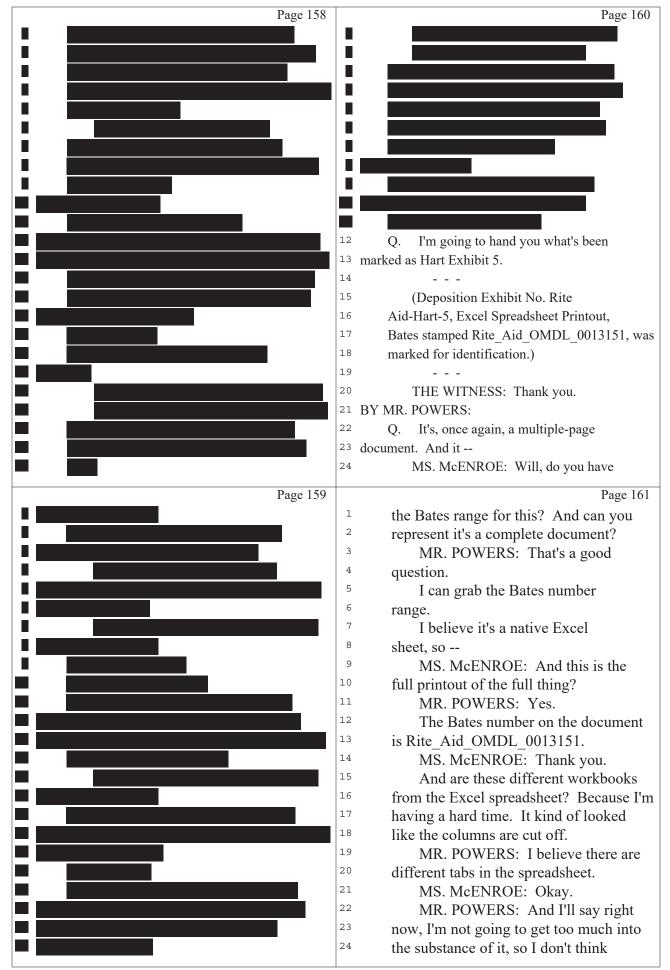


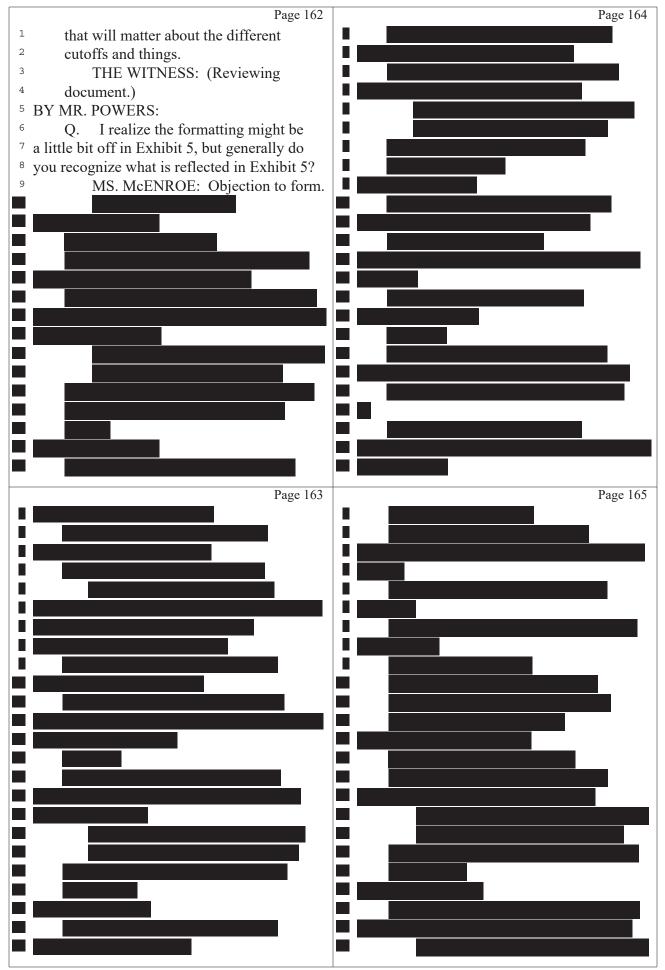




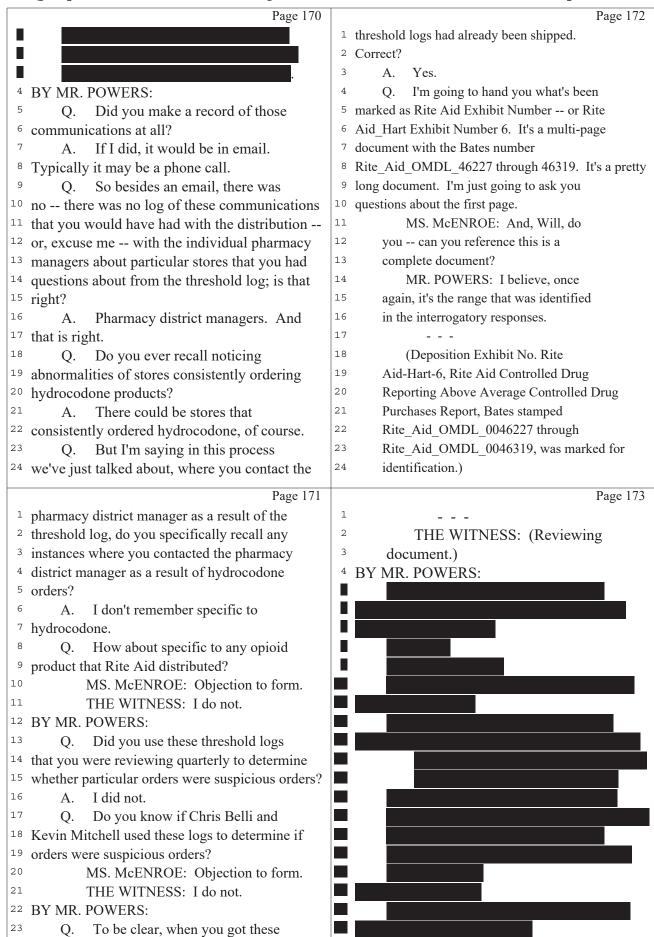




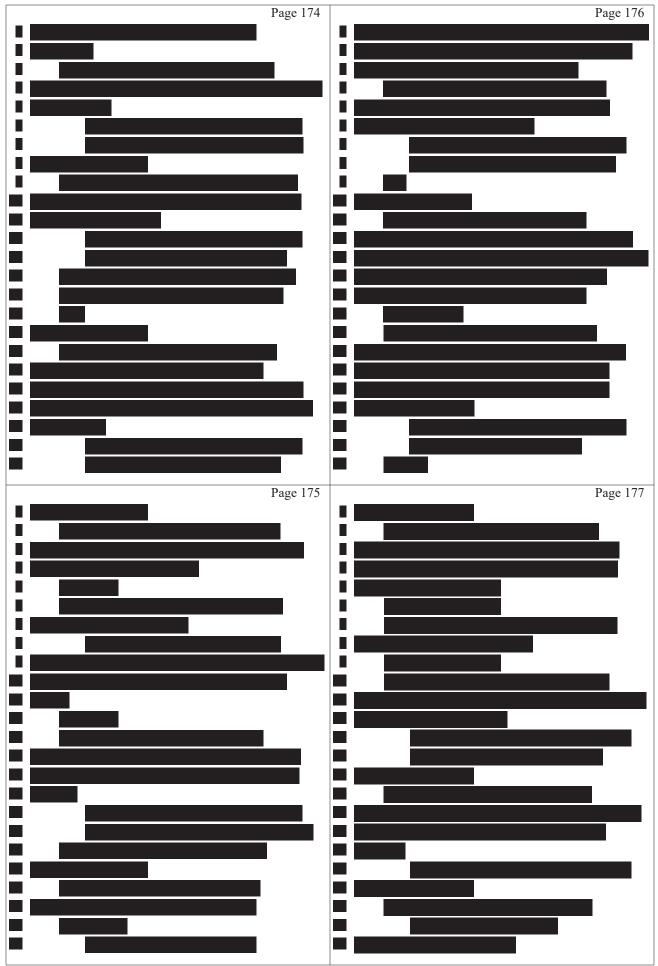


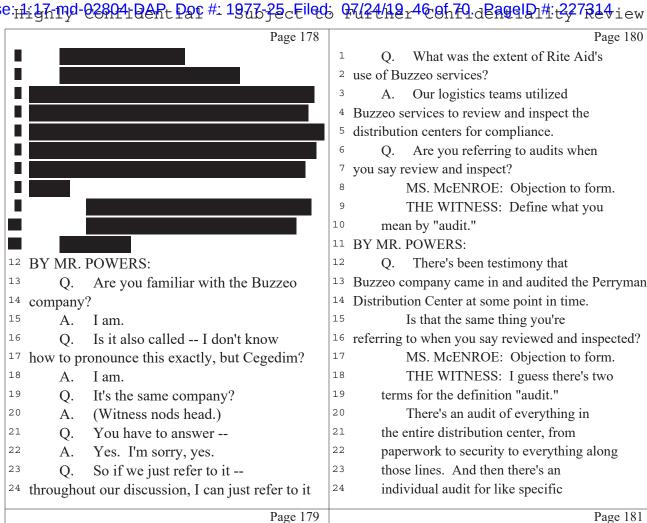






²⁴ threshold logs, these orders reflected in the





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¹ as the Buzzeo company, we'll know what we're talking about?

> That's fine, yes. A.

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4 What kind of services did Buzzeo O. 5 offer?

MS. McENROE: Objection to form. THE WITNESS: Ron Buzzeo offered services related to regulatory compliance with DEA rules and regulations. There was a wealth of services that Ron and his company offered.

They offered a program to go into pharmacies and review the pharmacies as far as compliance with DEA rules and regulations. They offered programs on suspicious order monitoring. They ordered up programs on how to detect theft and diversion. There was a wide gamut of programs that they had offered related to controlled substances.

21 BY MR. POWERS:

- 22 Q. Did Rite Aid ever use any of
- those Buzzeo services?
 - I believe we did, yes.

controlled substances, so that you would

2 balance when a controlled substance came 3

in and when it came out to make sure that 4 all the drugs in the distribution center

5 were accounted for. So, yes, I would say

that would be an audit.

BY MR. POWERS:

- Did Buzzeo ever perform audits on Rite Aid facilities, as you just described an 10 audit?
- 11 I believe he did at the Perryman Α. 12 Distribution Center.
 - Do you know when that was? O.
 - A. I don't remember.
- 15 Were you involved in that process O. of Buzzeo auditing the Perryman Distribution 16 17
- Center?

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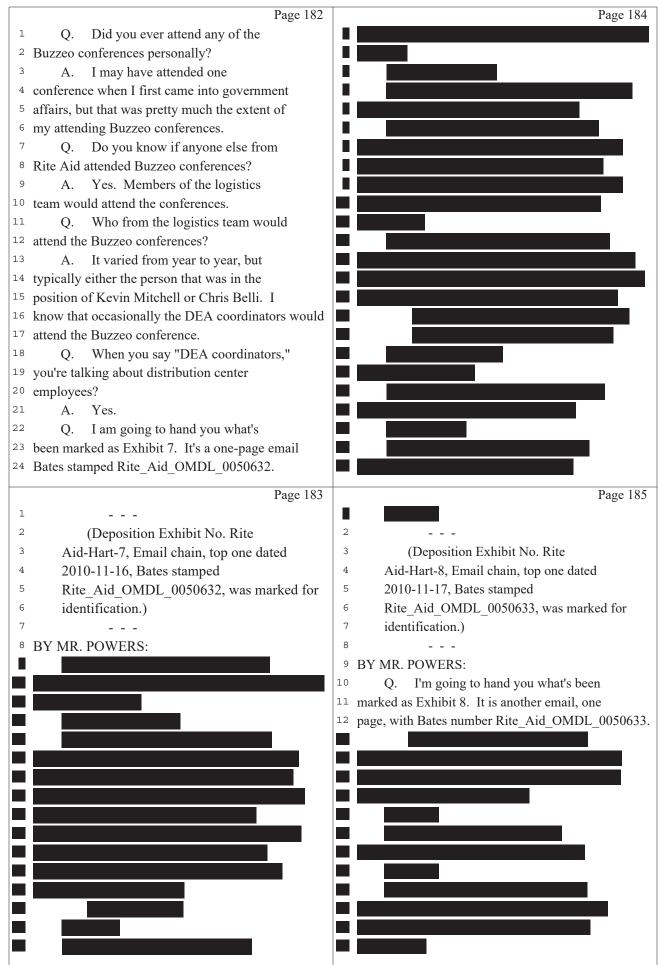
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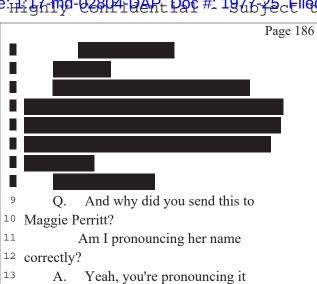
24

- A. I was not.
- O. You also mentioned that Buzzeo
- had conferences. Right?
- 21 I don't think I mentioned A. 22 conferences.
 - Did Buzzeo have conferences? O.
 - A. Buzzeo had conferences.

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Why did you send this email about O. suspicious order monitoring to Maggie Perritt? 16

correctly.

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- 17 Maggie Perritt was in pharmacy operations and was knowledgeable of the suspicious order monitoring algorithm and how the system worked. 20
- 21 When you say "suspicious order 22 monitoring algorithm," what are you referring to?
- 23 The algorithm for placing the 24 store's order through the -- looking at the 13

¹ Mitchell.

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- Who was Andrew Palmer?
- Andrew Palmer was a director in Α. asset protection at the time, I believe.

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- Why did you invite him to this meeting about suspicious order monitoring?
- Because he was also key as part of it as well. Him and his team were involved with the analytics related to asset protection and the analytics related to the key performance 11 indicators that were looked at from the asset protection side.
 - Q. How did you use the -- let me back up.

15 Did you use the asset protection analytics to determine whether orders were suspicious or not?

> MS. McENROE: Objection to form. THE WITNESS: We used the asset protection analytics to review orders and look for abnormalities. We did not use the analytics from asset protection prior to an order being shipped.

24 BY MR. POWERS:

Page 187 weeks and then going a certain percentage above ² to place the order. 3 Q. Is that also the auto ⁴ replenishment system that we talked about before? 5 A. 6 Why are you referring to it as a suspicious order monitoring system? MS. McENROE: Objection, form. 8 9 THE WITNESS: In this one, since 10 it's under suspicious monitoring, that's 11 why I was referring to that, is that --12 because that was the title of this 13 particular meeting and she was bringing 14 that aspect of it into it. 15 BY MR. POWERS: 16 Q. So Maggie Perritt was the expert on the auto replenishment system that was invited to the suspicious order monitoring meeting; is that right? 19

operations side, yes.

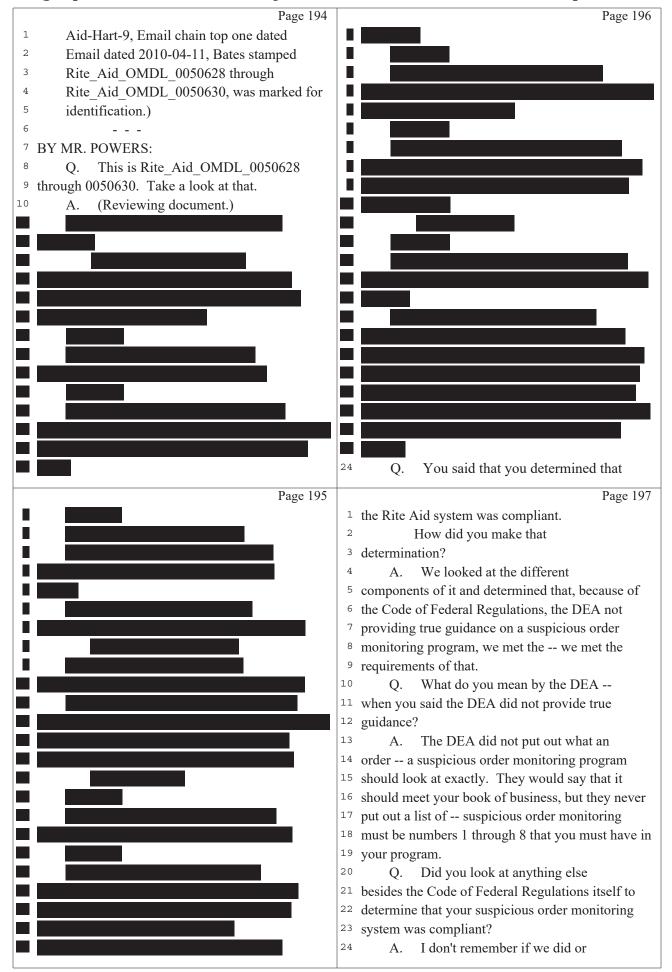
BY MR. POWERS:

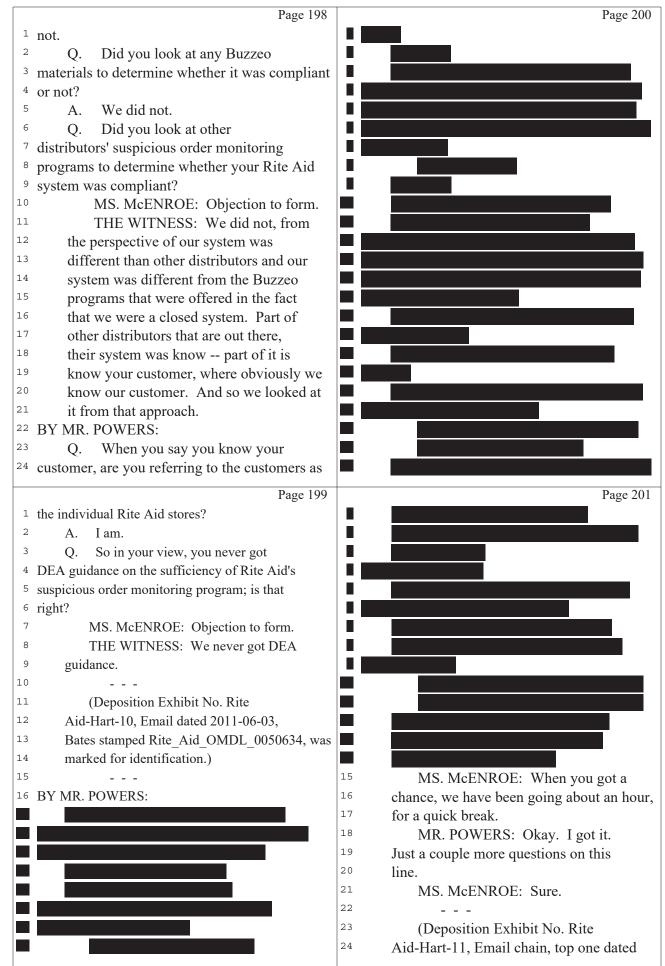
MS. McENROE: Objection to form.

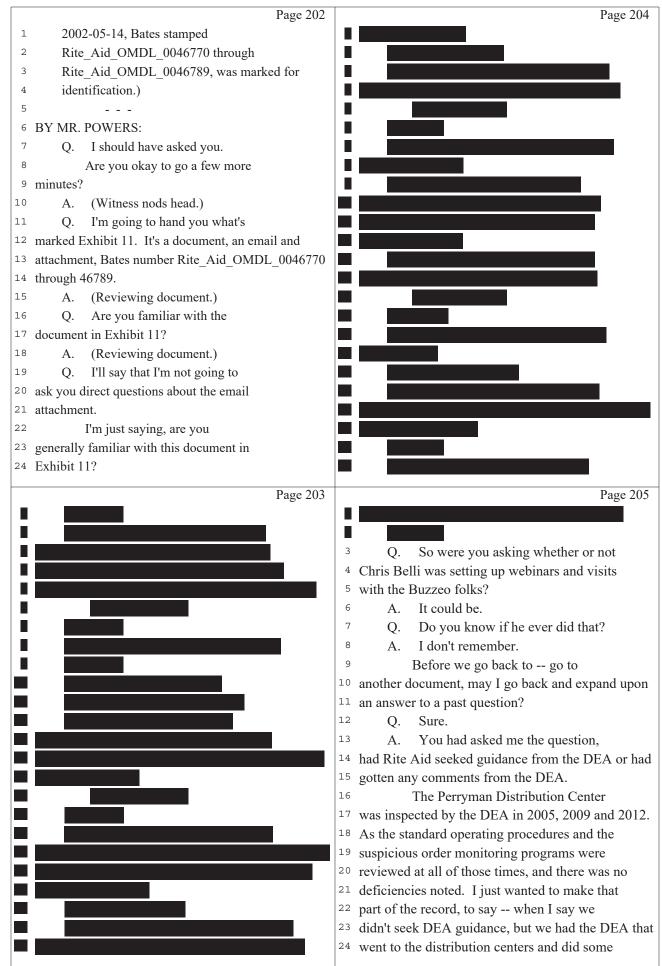
THE WITNESS: From the pharmacy

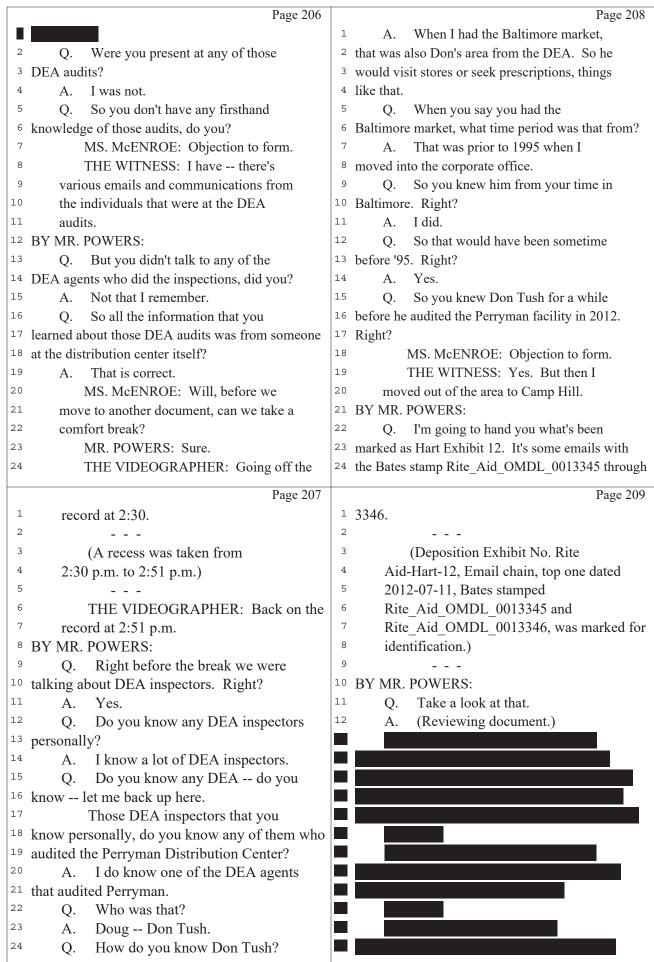
And then we talked about Kevin

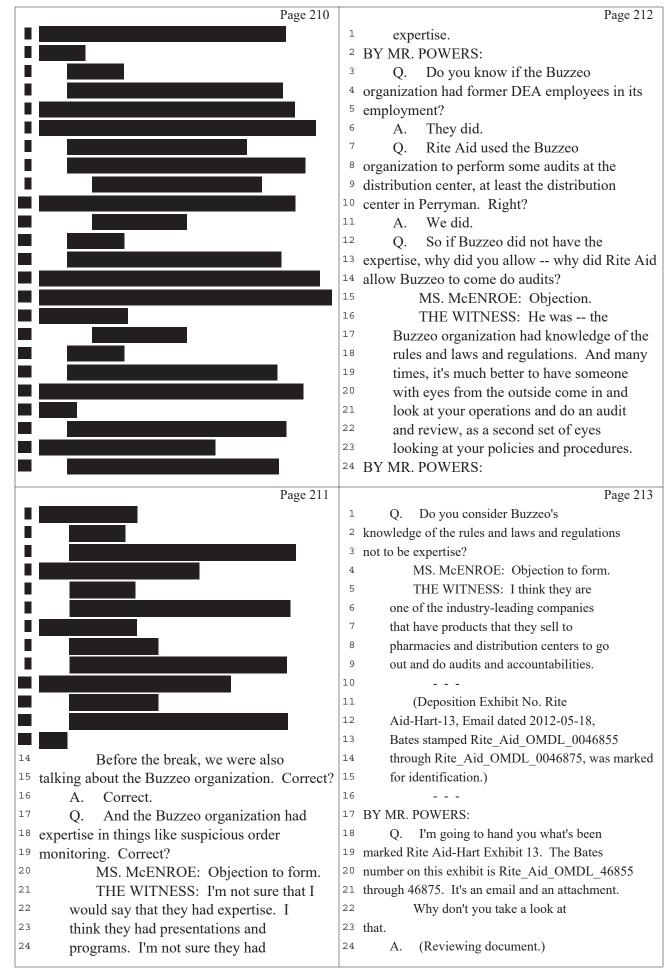


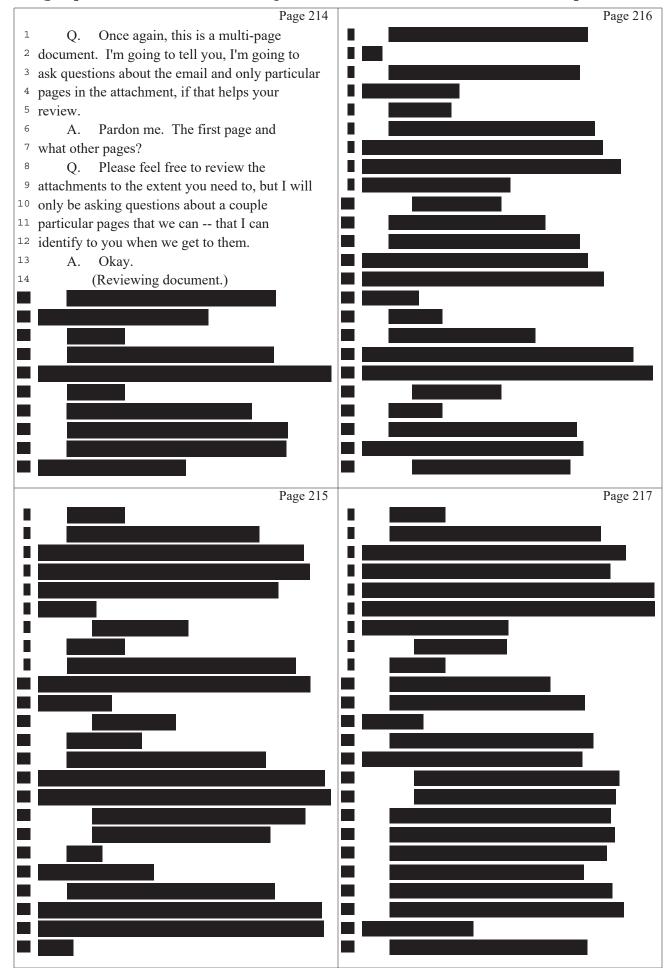




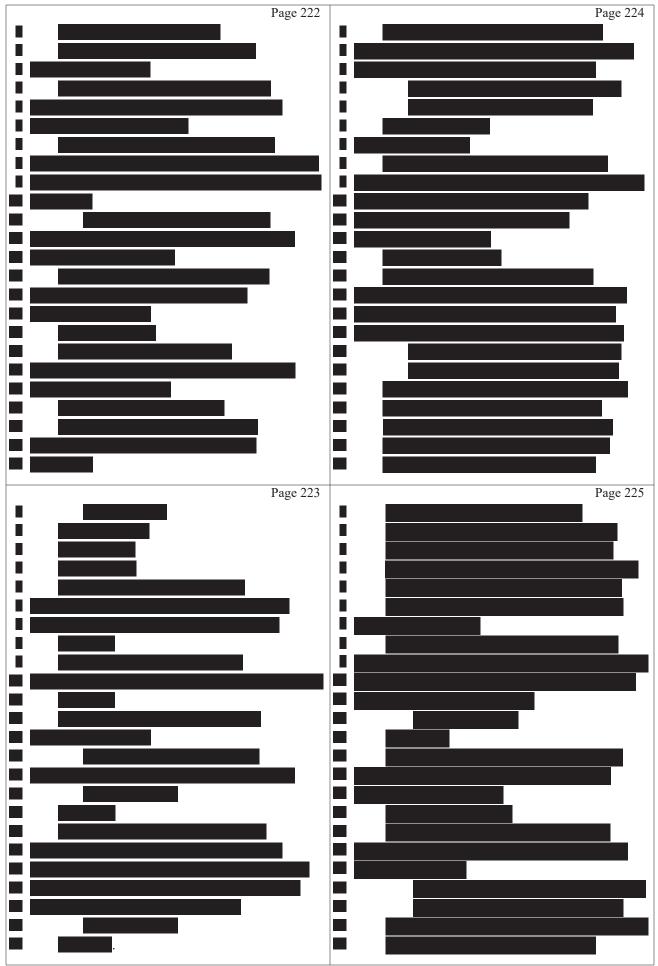


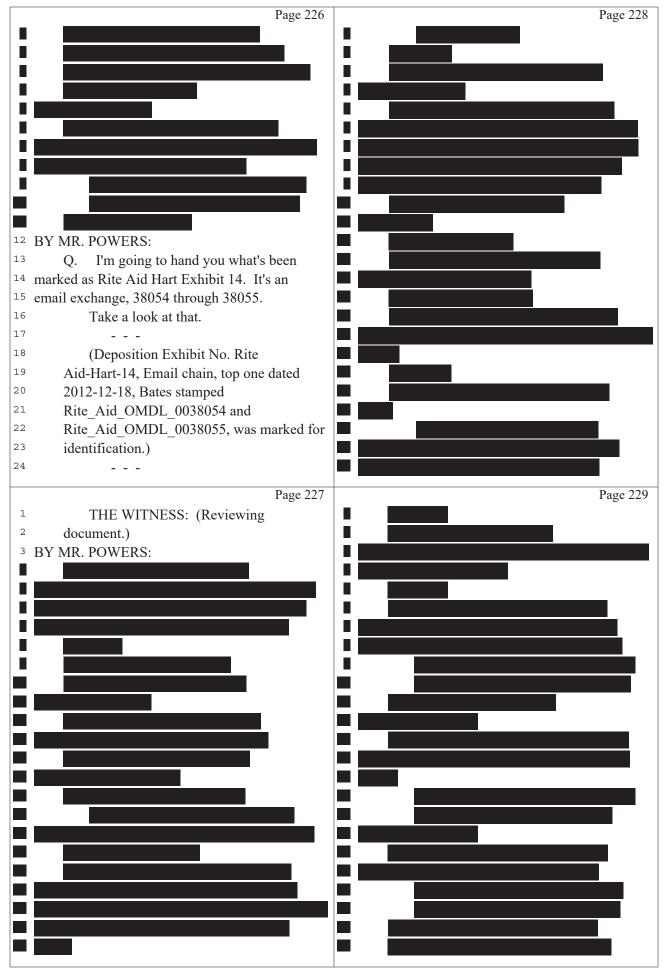


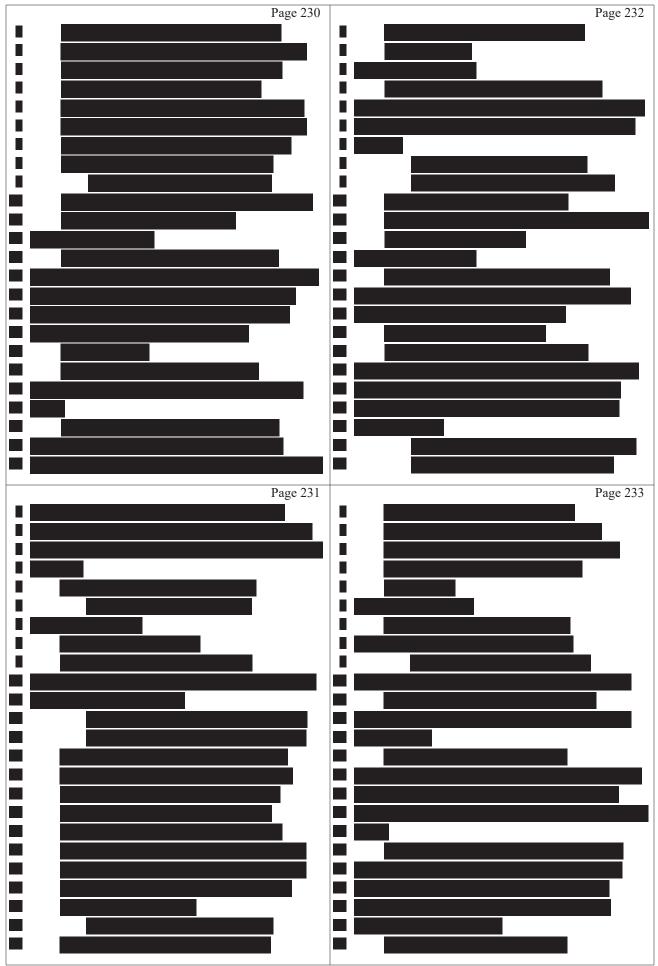




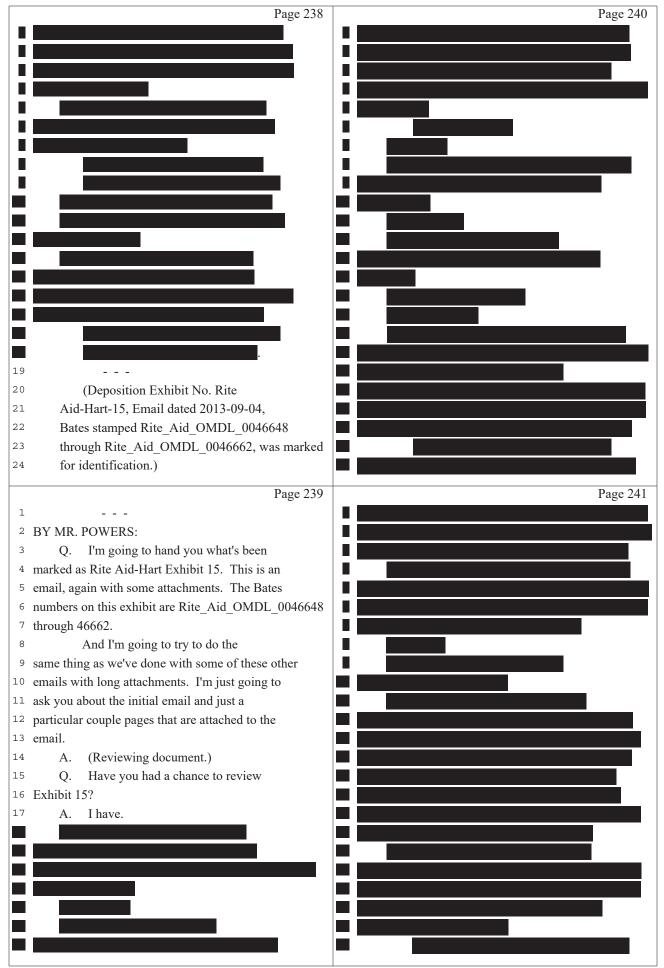




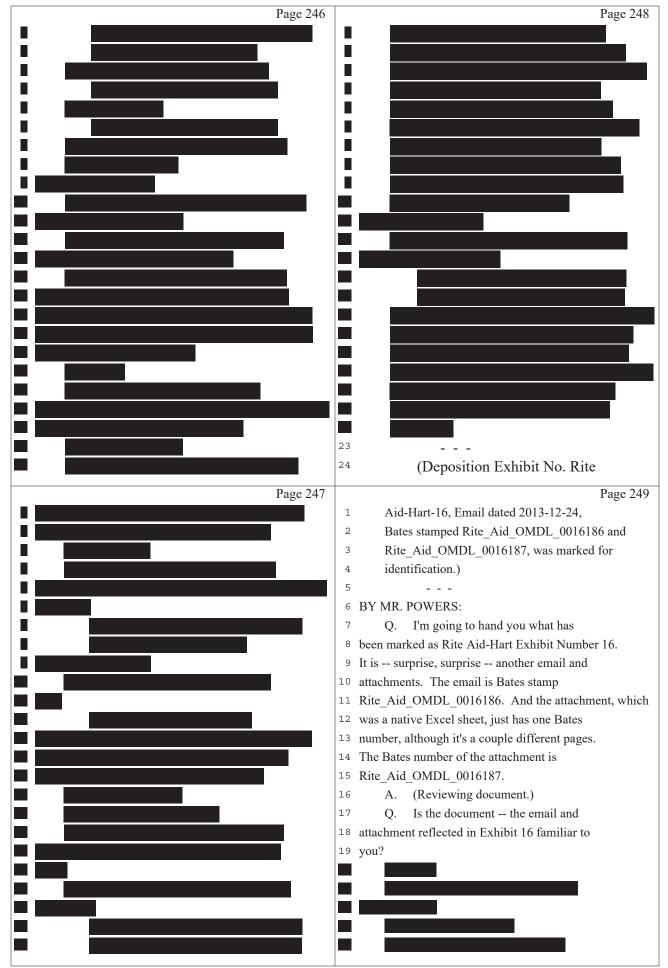


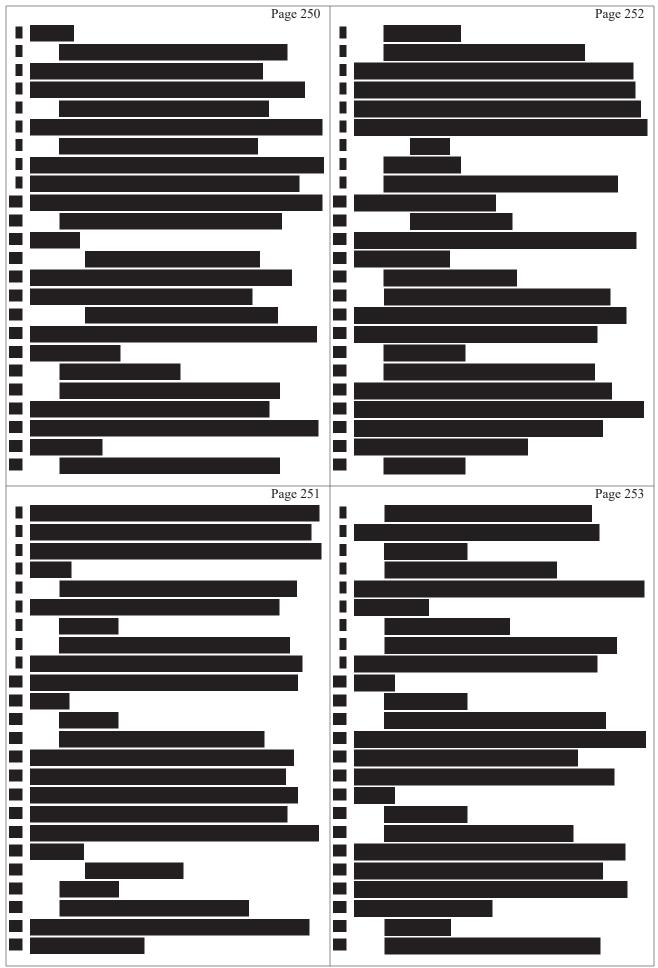




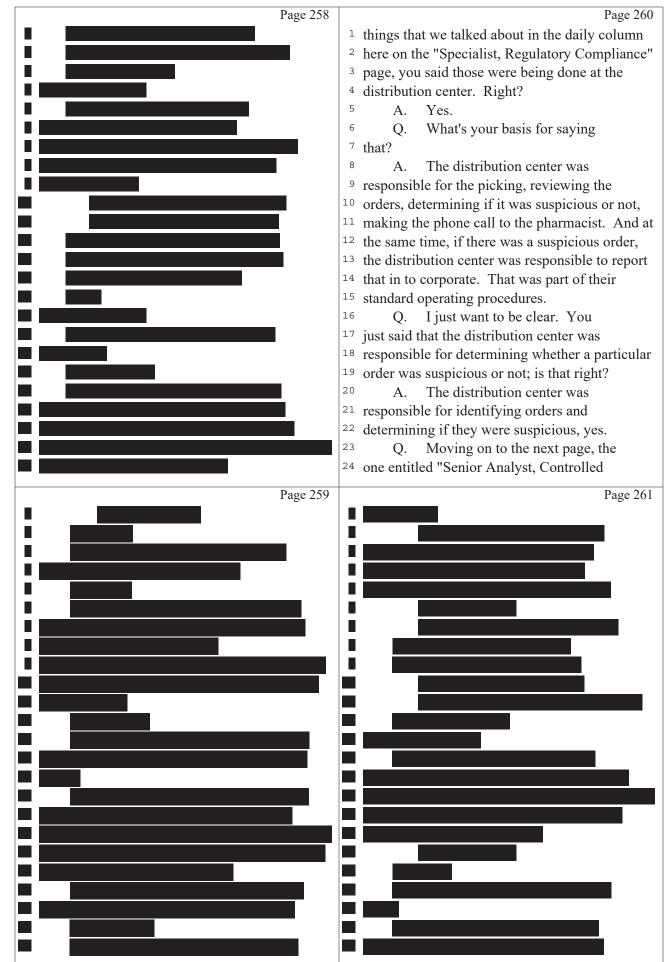




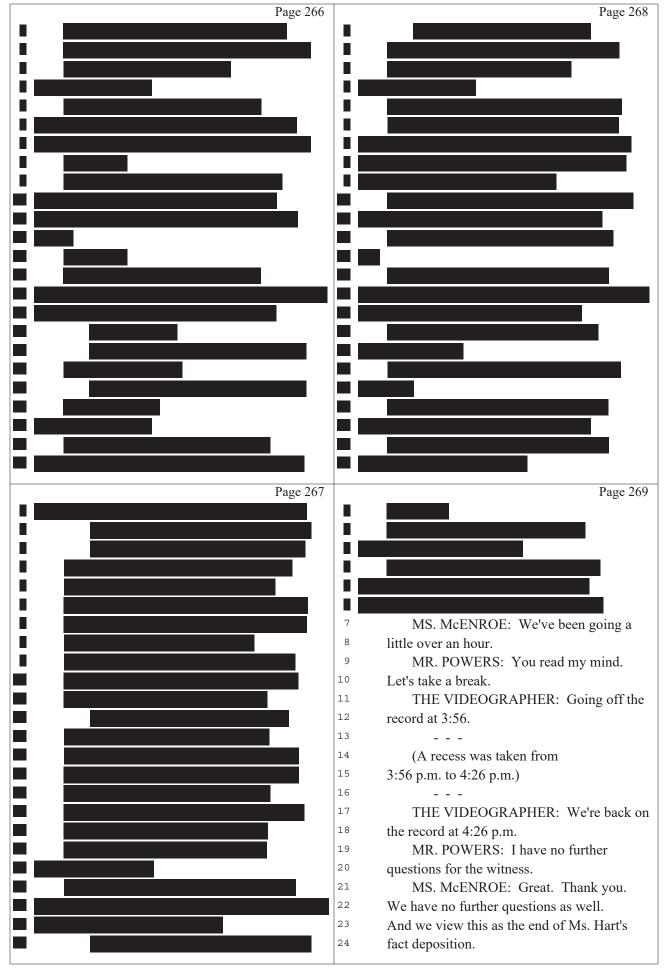












	Page 270		Page 272
1	MR. POWERS: Yes. She's coming	1	INSTRUCTIONS TO WITNESS
2	back for the 30(b)(6) tomorrow.	2	
	` / ` /		D1 1 1
3	MS. McENROE: Agreed. Thank you.	3	Please read your deposition over
4	THE VIDEOGRAPHER: This ends	4	carefully and make any necessary corrections.
5	today's deposition. We're going off the	5	You should state the reason in the appropriate
6	record. The time is 4:26 p.m.	6	space on the errata sheet for any corrections
7	(Witness excused.)	7	- ·
8	(Deposition concluded at	8	After doing so, please sign the
	` •		
9	approximately 4:26 p.m.)	9	errata sheet and date it.
10		10	You are signing same subject to
11		11	the changes you have noted on the errata sheet,
12		12	which will be attached to your deposition.
13		13	It is imperative that you return
14		14	*
15		15	attorney within thirty (30) days of receipt of
16		16	the deposition transcript by you. If you fail to
17		17	do so, the deposition transcript may be deemed to
18		18	be accurate and may be used in court.
19		19	·
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21		21	
22		22	
23		23	
24		24	
	D 071	_	D 272
	Page 271		Page 273
1	_	1	
2	Page 271 CERTIFICATE	1	Page 273 ERRATA
2 3	_	1 2	
2 3 4	CERTIFICATE		
2 3	CERTIFICATE I HEREBY CERTIFY that the witness	2	
2 3 4 5	CERTIFICATE I HEREBY CERTIFY that the witness was duly sworn by me and that the deposition is a	2 3	ERRATA
2 3 4 5	CERTIFICATE I HEREBY CERTIFY that the witness	2 3 4 5	ERRATA PAGE LINE CHANGE
2 3 4 5	CERTIFICATE I HEREBY CERTIFY that the witness was duly sworn by me and that the deposition is a true record of the testimony given by the witness.	2 3 4 5	ERRATA PAGE LINE CHANGE REASON:
2 3 4 5 6	CERTIFICATE I HEREBY CERTIFY that the witness was duly sworn by me and that the deposition is a true record of the testimony given by the witness. It was requested before	2 3 4 5 6 7	PAGE LINE CHANGE REASON:
2 3 4 5 6	CERTIFICATE I HEREBY CERTIFY that the witness was duly sworn by me and that the deposition is a true record of the testimony given by the witness. It was requested before completion of the deposition that the witness,	2 3 4 5 6 7 8	ERRATA PAGE LINE CHANGE REASON:
2 3 4 5 6 7 8	CERTIFICATE I HEREBY CERTIFY that the witness was duly sworn by me and that the deposition is a true record of the testimony given by the witness. It was requested before completion of the deposition that the witness, JANET GETZEY HART, have the opportunity to read	2 3 4 5 6 7 8	ERRATA ERRATA PAGE LINE CHANGE REASON: REASON:
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2 3 4 5 6 7 8 9 10 11 12	CERTIFICATE I HEREBY CERTIFY that the witness was duly sworn by me and that the deposition is a true record of the testimony given by the witness. It was requested before completion of the deposition that the witness, JANET GETZEY HART, have the opportunity to read and sign the deposition transcript.	2 3 4 5 6 7 8 9 10 11 12	ERRATA ERRATA PAGE LINE CHANGE REASON: REASON: REASON: REASON:
2 3 4 5 6 7 8 9 10 11 12	CERTIFICATE I HEREBY CERTIFY that the witness was duly sworn by me and that the deposition is a true record of the testimony given by the witness. It was requested before completion of the deposition that the witness, JANET GETZEY HART, have the opportunity to read and sign the deposition transcript. ANN MARIE MITCHELL, a Federally	2 3 4 5 6 7 8 9 10 11 12 13	ERRATA ERRATA PAGE LINE CHANGE REASON: REASON: REASON: REASON: REASON:
2 3 4 5 6 7 8 9 10 11 12 13 14	CERTIFICATE I HEREBY CERTIFY that the witness was duly sworn by me and that the deposition is a true record of the testimony given by the witness. It was requested before completion of the deposition that the witness, JANET GETZEY HART, have the opportunity to read and sign the deposition transcript. ANN MARIE MITCHELL, a Federally Approved Certified Realtime	2 3 4 5 6 7 8 9 10 11 12 13 14	ERRATA ERRATA PAGE LINE CHANGE REASON: REASON: REASON: REASON:
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3	TICKNOWEED CHEET OF BET CHEET	
4	I,, do	
	hereby certify that I have read the foregoing	
1	pages, 1 - 274, and that the same is a correct	
	transcription of the answers given by me to the	
	questions therein propounded, except for the	
1		
9	corrections or changes in form or substance, if any, noted in the attached Errata Sheet.	
10	any, noted in the attached Errata Sneet.	
11		
12		
13	TANIET GETZEN HADT. DATE	
14	JANET GETZEY HART DATE	
15		
16		
17	Subscribed and sworn	
	to before me this	
18	day of, 20 My commission expires:	
19	My commission expires:	
20		
21	Notary Public	
22		
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24		